DOCUMENT RESUME

ED 187 170 HE 012 516

AUTHOR Haro, Carlos Manuel
TITLE Criticisms of Traditional Postsecondary School Admissions Criteria: A Search for Alternatives. Occasional Paper No. 1.
INSTITUTION California Univ., Los Angeles. Chicano Studies Center.
PUB DATE 78
NOTE 62p.

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Access to Education; *Admission Criteria; *College Admission; *College Desegregation; Comparative Analysis; Culture Fair Tests; *Equal Education; Ethnic Discrimination; Geographic Distribution; Grade Point Average; *Higher Education; Public Policy; Racial Discrimination; Social Attitudes; Social Change; Standardized Tests; Student Characteristics; Student Motivation; Test Bias

ABSTRACT

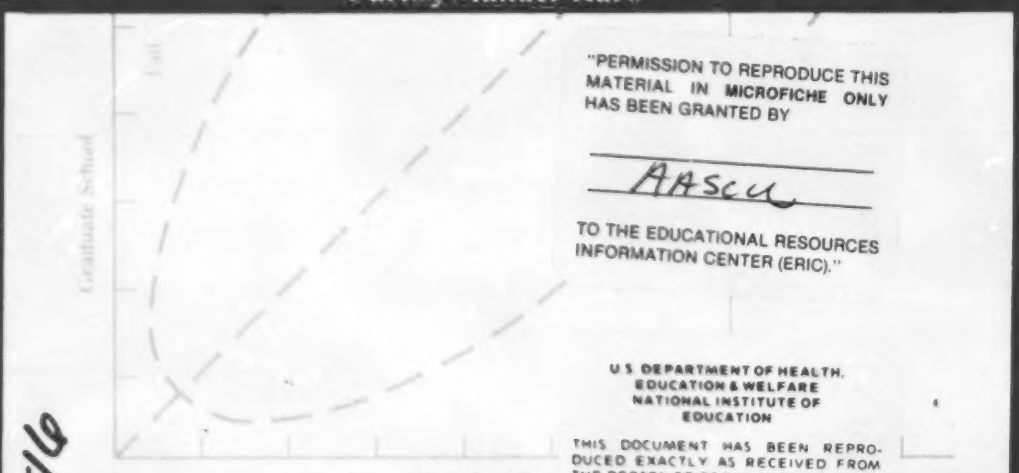
The controversy surrounding college admission criteria is examined. It is noted that racial classifications and preference of ethnic and racial minorities, as part of a university's admissions policy have been seen to constitute reverse discrimination. Proponents of a racially neutral admissions policy argue for a strengthening of standardized admissions criteria that would rely heavily on quantitative factors: national standardized test scores and grade point average. It is now known that the traditionally used quantitative criteria have a built-in bias, and emphasis on these measures has institutionalized discrimination against the nonwhite and poor in the past. In this essay the criticisms of traditional quantitative criteria are discussed and the search for alternatives is outlined. These alternatives include: changes that incorporate economic and educational characteristics, student motivation, and societal needs; a geographic criterion; culture-specific tests; and racial and ethnic classification as a temporary remedial criterion. The criteria recommended come from these alternatives and have two important characteristics: they involve changes to existing regular admissions criteria, and they do not include special admissions. Recent changes in attitudes toward nondiscriminatory or remedial admissions are examined. A list of references and selected bibliography are included. (MSE)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED187170

Criticisms of Traditional Postsecondary School Admissions Criteria: A Search for Alternatives

Carlos Manuel Haro



"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

AASCU

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

HE 012 516

Occasional Paper No. 1
Chicano Studies Center Publications
University of California, Los Angeles

Production

Rosa Martinez, **Managing Editor**
Steven M. Gardner, **Assistant Editor**

Cover

John Garcia and Carlos M. Haro

© 1978 by the Regents of the University of California, Chicano Studies Center. All rights reserved under Pan American and International Copyright Conventions. Printed in El Pueblo de Nuestra Señora La Reina de Los Angeles de Porciúncula, U.S.A.

Contents

Preface	v
1. Criticism of Traditional Quantitative Criteria	1
2. Search for Alternatives	14
3. The Recommended Criteria for a Higher Education Regular Admissions Policy: Special Admission Programs and Quotas Are Not Included	26
4. The Ebb and Flow of Change	33
5. Conclusion	46
References	49
Selected Bibliography	51

4

PREFACE

Supporters of the *Bakke* position have argued that racial classifications and preference for ethnic and racial minorities, as part of a university admissions policy, constitutes "reverse discrimination," or "reverse racism" against white Americans. They argue that the educational opportunities that white Americans "qualify" for, on the basis of quantitative measures, will be offered to less qualified minorities—Chicanos, Afro-Americans, American Indians, Asian Americans, and the poor—on the basis of their being minority or poor, and not on the basis of merit. The supporters of the *Bakke* position argue that there should be a "racially and ethnically neutral" criteria applied in a university admissions policy, so that individuals selected for the limited positions available are not selected upon the basis of their racial or ethnic group, or upon their socioeconomic class level. What proponents of a racially neutral and meritocratic admissions policy fail to consider is that this supposedly "fair" policy actually discriminates against nonwhite minority cultures and poor applicants.

Proponents of a "racially neutral" or a "fair" admissions policy argue for a strengthening of standardized admissions criteria that would rely heavily on quantitative factors—nationally standardized test scores and Grade Point Average (GPA)—since it is thought, the best and the brightest students will have high test scores and a high GPA. This high achievement, it is presumed, would occur regardless of the student's ethnic or racial group, or socioeconomic level. These quantitative measures, it is assumed, are not color or culture conscious, and, by using this criteria, all applicants would be treated fairly and objectively. Each applicant would have the same opportunity to score high on a test or maintain a high GPA. However, we now know that the traditionally used quantitative criteria have a built-in bias. Although there does not exist an explicit policy stating that a university will not accept, for example, applicants from the barrio, ghetto or Indian reservation, the traditional quantitative criteria functions in such a way as to prohibit the entry of poor and minority culture group applicants. Emphasis on these quantitative measures has, in effect, institutionalized the discriminatory practices that barred nonwhite people from entering colleges and universities. However, although we do not have overt racist acts, such as a governor of a southern state standing in front of an all-white high school or university, barring a black from entering, we now have supposedly "neutral

quantitative criteria" prohibiting entry of blacks and other minority groups to universities. The barriers are different, the effect is still the same—exclusion of the nonwhite and poor.

This book was published by the Chicano Studies Center, University of California, Los Angeles, in the hope that a wider audience will be made aware of the results of emphasis on traditional quantitative admissions criteria on ethnic/racial minority groups. I am grateful for the collaboration and illuminating discussions provided by Professor John Garcia, and appreciation is extended to Linda Brett, doctoral student, Stanford University, for her contribution.

Carlos Manuel Haro, Ph.D.
Program Director, Chicano Studies Center
Assistant Professor In-Residence
University of California, Los Angeles

1
CRITICISM OF TRADITIONAL QUANTITATIVE CRITERIA

As noted by David Saxon, president of the University of California, emphasis on standardized tests and GPA has negatively affected minorities and poor people. "This basis of selection," according to Saxon, "judging from the results, has given preference to students with the best educational opportunities and the most academically supportive family and Anglo cultural background—in short, middle and upperclass white students."

Although no one may have intended it that way, the emphasis on tests and GPA has produced a largely segregated body of graduate students, undergraduates, and professions with severe shortages of minority practitioners and a severe maldistribution of professional services favoring wealthier, largely white communities at the expense of poorer, heavily minority communities.

In the professions we find that Chicanos, for example, are underrepresented and underserved. In all professions, be it engineering, education, or law, the Chicano presence is negligible. In the medical field, Chicanos constitute a mere 1 percent of the medical population; while 1 out of every 616 Anglos is a physician, only 1 of every 20,000 Chicanos is fortunate to become a physician. The consequences are that the Chicano community has less than half the required minimum number of physicians (i.e. 1 primary care physician per 1,124 people) while Anglos have more than double the minimum level of adequate health care. It must be pointed out that this would not be an issue if an adequate number of dedicated bilingual doctors and other professionals committed themselves to serve in the barrios. However, this is not the case, and it appears that this society expects members of the various ethnic and racial groups to provide the social and medical services required by those groups. Yet, the educational institutions of this society, by use of the traditional quantitative criteria, inhibit the training and preparation of those individuals who wish to serve.

Universities and colleges contend that the need for admissions criteria is apparent. These institutions must be able to determine which of the many student applicants should be offered admissions. A student is considered "qualified" for a position as an undergraduate or a graduate student if he or she is judged as "likely to succeed" in the

academic program. For graduate students, of course, we not only consider the potential success of the individual as a student, but also whether the individual will succeed in professional practice. To make this judgement, admissions committees look at past grade point averages, standardized entrance examination scores, and, to a lesser degree, evidence of motivation and persistence. The contention of ethnic and racial minority groups is that the traditional quantitative criteria do not validly or accurately provide the kind of information that they purport to provide.

Grade Point Average

Many of the supporters of the use of GPA as an admissions criterion may not realize that even this measure is not a fair indicator of the potential of minority and poor students to succeed in postsecondary schooling.

At the undergraduate level, the principal measure used to evaluate student applicants are the grades they receive in their high school course work. Three researchers from Stanford University (S. M. Dornbursh, W. Espinosa, and C. Fernandez, 1978) completed a research project that included a survey of grades received by students from various ethnic groups. The students were randomly selected from eight San Francisco area high schools and included other white, Asian and Spanish surname youth. The grades received by the three groups in three areas of study, Mathematics, English and Social Studies are provided in Table 1.

TABLE 1.
Proportion of Students Getting a Grade of D or F, by Sex and Racial/Ethnic Group.

		Spanish Surname (N=133)	Other White (N=184)	Asian (N=183)
Math	Male	.47	.36	.19
	Female	.25	.24	.17
English	Male	.44	.23	.12
	Female	.29	.13	.08
Social Studies	Male	.22	.26	.11
	Female	.26	.10	.03

There are clear racial/ethnic group differences in terms of the proportion of D or F grades received. Chicanos are getting higher proportions of the low grades in comparison to the other whites and Asians. When the researchers looked at the other end of the grading scale (A

and B) they found the same racial/ethnic differences only in the opposite direction. Asians were getting more A's and B's followed by other whites, and then Chicanos. The ethnic differences were somewhat weaker for females than for males. This same pattern was found for the national population of Chicanos in the data collected for the 1967 Coleman study, *Equality of Educational Opportunity*.

In a November, 1975 study prepared for the California State Assembly Permanent Subcommittee on Postsecondary Education, researchers surveyed 1,600 graduates of 20 Los Angeles high schools. Various analysis of the data were performed to determine ethnic, economic, and achievement characteristics of the high school graduates. One major finding was that 94 percent of the graduates of high schools serving high income areas were white, while only 1 percent of graduates from low income schools were white. Black and Spanish surname graduates combined equalled 92 percent of graduates from low income schools but only 3 percent of all graduates of high income schools. Fifty percent of the graduates from middle income level high schools were white while only 15 percent were black and 13 percent were Spanish surname. Obviously, white students were concentrated in high income and middle income high schools, while the minorities were concentrated in low income high schools.

Of importance to this discussion is the findings of the California study with regard to the school achievement of the graduates. Overall grade point averages of the graduates by income level are reported in Table 2.

TABLE 2.
Overall Grade Point Averages (GPA) of Graduates by High, Middle, and Low Income Schools

			Grade Point Average			
	N	Median GPA	Below 1.80	1.80–2.49	2.50–3.19	3.20 & Above
High Income Schools	300	3.11	3%	23%	39%	32%
Middle Income Schools	300	2.79	6%	31%	33%	31%
Low Income Schools	300	2.44	11%	44%	31%	15%
Total	900	2.71	7%	32%	34%	26%

Low income schools, which contained a total of 97 percent minority students, had a median GPA of 2.44. The high income schools, with 94 percent white students, had a 3.11 GPA.

However, while minorities may have lower GPA averages in comparison to white students, minorities also attend segregated, underfinanced, overcrowded, and poor quality primary and secondary schools that do not meet their educational needs (U.S. Commission on Civil Rights, Mexican American Study Reports I–VI, 1971–1974). The low GPAs achieved by minorities may more accurately reflect the inequality of educational opportunity existent in our society than their ability. It appears that low school achievement and poor skills development prevalent among minorities is highly correlated with segregated conditions (Coleman, 1966, Haro, 1977, Weinberg, 1977).

Separate facilities are not equal, but throughout the country minority students have been segregated into separate schools for the Spanish speaking, "Mexican" schools, "colored" schools, and schools for Indians. California, for example, has a history of legislation and policies which excluded minorities from an education and from other services. In 1864, the law made explicit the common practice of segregating all non-Anglos by requiring school districts to establish separate schools for "negroes, mongolians and indians" if ten or more parents petitioned to receive an education (MALDEF, et al., 1977). This policy was reaffirmed in 1872 when the legislature mandated that the "education of children of African descent and Indian children must be provided for in separate schools." In 1874, the California Supreme Court affirmed the constitutionality of this legislation and of the separate but equal doctrine. Then, in 1885, the first of a series of new ethnic segregation statutes was passed to insure the segregation of Asians and Indians. It was not until 1947, when Governor Warren signed legislation repealing the existing statute, that segregation, legislatively mandated, was no longer law.

Although the Mexican was not referred to directly in the segregation legislation of California, the school districts did find legal sanction for the segregation of Mexican children. For justification they either classified Mexicans as having "Mongolian" features or Indian ancestry. De jure segregation of Mexicans did not usually call for justification—it simply existed as demanded by the Anglo community.

Segregationalist policies continued to be practiced in the United States during the 1940s, 1950s, and 1960s, and today Mexicans are still found in segregated schools. During 1974, in Oakland, California, for example, more than 75 percent of the Spanish surname pupils were in schools with more than 70 percent minority enrollment. In San Francisco, more than 70 percent of the Spanish surname pupils were in schools with more than 70 percent minority enrollment. In Los Angeles, the judge hearing the *Crawford* desegregation case indicated

that Los Angeles public schools were actually three systems: one black, one white, and one brown. By 1980, it is projected that the Spanish surname student population in Los Angeles will be over 200,000, and it will constitute 35.9 percent of the school district's total enrollment. White students will be second with 32.5 percent; blacks will constitute 26.0 percent; and Asian and other nonwhites will constitute 5.6 percent.

Past acts of intentional segregation, along with the reluctance to remedy the continuing segregated patterns, has placed an onerous burden on minority students in this country. They are not provided with the necessary academic preparation and counseling; their skills are not developed, and a vast number of segregated minorities drop out or have low achievement, including low grades. As reported by the United States Commission on Civil Rights, in the five southwestern states, 86.0 percent of Anglos reached grade 12, while only 66 percent of the black and 60.3 percent of the Chicano youth achieved this level. The dropout rate for Chicanos was 40.0 percent.

Many of the ***Bakke*** supporters may not realize the injustice of minorities attending unequal and poor quality schools. Also, many of the ***Bakke*** supporters may not realize that the low grades achieved by minorities may reflect the invidious segregated schooling that they must endure. Furthermore, many of the ***Bakke*** supporters may not know that by elevating the GPA requirement as an admissions criteria more of the minorities and the poor would be eliminated from regular admissions consideration. Yet, ***Bakke*** supporters argue for the use of a higher GPA criterion because it is *supposedly* a racially neutral and fair criterion; they argue for it because it supposedly provides us with the best candidates—those with high GPAs. They do not consider the harsh reality that the GPA criterion also functions to separate racial and cultural groups so that the majority student who attends a better quality school is given preference.

Supporters of the "racially neutral" and "fair" traditional admissions policy do not deal with another of the effects of the GPA criterion: it helps to maintain the inequality that exists in the schooling of minorities. Segregated majority high schools will continue to prepare graduates for the university with higher and higher grades—the phenomenon of grade inflation—because they want to insure that large numbers of their graduates proceed into the university. Segregated minority schools and schools in low income areas, without an existing linkage to the university, will continue to prepare 2 percent to 4 percent of their graduates for the prestigious universities. Few courses needed to meet the university entrance requirements will be offered,

few students will be properly prepared for postsecondary school studies, and few students will have the required high GPA for college or university admissions.

Professor John Garcia, UCLA Departments of Psychiatry and Psychology, has challenged the high emphasis placed upon grades in the postsecondary admissions process. He stated:

> If we removed all ethnic bias from the admissions tests, more minority admissions to our universities might be the result. These minority candidates will inevitably earn a lower GPA because GPA is based on ratings and tests which have the same bias which we removed from our admissions measures. Few, if any, teachers make systematic efforts to weed out biased test items or rephrase them so that they deal with subject matter in a way that is fair to all ethnic groups. I have heard teachers protest, "My grading is fair; geometry is geometry, after all." But the way geometry is taught may be unfair. The Chicano student's response could justifiably be, "Then teach us in Spanish; geometry is geometry, after all!"

Standardized Tests

The second factor that is taken into consideration in the traditional postsecondary admissions process is the standardized test score. The Scholastic Aptitude Test (SAT) at the undergraduate level, the Graduate Record Examination (GRE) at the graduate level, the Medical College Admissions Test (MCAT) for medical school, and Law School Admission Test (LSAT) for law school are all similar in that they are used to select candidates that are most likely to succeed in an academic program. Typically, the predictive validity of a test, that is, whether or not the test results are providing the information that is expected, is evaluated by determining the correlation between scores on such tests and a single criterion. The criterion may be the grade point average (GPA) throughout or during a specified portion of an academic program, or whether students successfully complete the program. Using this evaluative procedure, the predictive validity of the tests has generally been found to be low to modest for both minority and majority students. For example, the relationship between the SAT and ACT scores has a modest correlation with college grades. For both Chicano and Anglo students, high school grade point average was found to be more highly related to college GPA than were tests scores—and these findings have been supported by a series of investigators, including some who work in the multimillion dollar test industry (Warren, 1976; Cherick, 1970; Goldman & Widawski, 1976).

These same findings were made regarding admission tests used by the even more exclusive graduate and professional schools. Numerous studies of the GRE indicate that the tests, for both majority and minority students, have a disappointingly low predictive validity—the test performance may account for only 16 percent of the academic performance in graduate school (Flaugher, 1972; Willingham, 1972; Lannholm, 1972; Thacker & Williams, 1974). This general low validity was found regardless of whether the criterion was graduate grade point average, faculty ratings, or attainment of the degree objective.

In considering the predictive validity of professional school admissions tests, additional issues arise. In these cases, the tests are presumably designed to select not only on the basis of who will complete the academic curriculum at an acceptable level, but also who will make the best professionals of that particular field. Available evidence concerning the MCAT indicates that it has a low validity for forecasting performance in medical school and that as a predictor of performance in internship and professional medical practice the validity is essentially zero (Gough, Hall & Harris, 1963; Howell & Vincent, 1967; Turner, Helper & Kriska, 1974; Korman, Stubblefield & Martin, 1968). Similarly, the LSAT does not have an impressive predictive capability—nor is it related to performance in the legal profession for *all* groups, majority and minority (Schrader & Pitcher, 1974).

Standardized Tests and Minority Students

One major finding with all standardized tests is that the average scores of minority and poor students are at a lower range than the average scores of majority and affluent students. Because of this difference in the test results, the effect of using the SAT, GRE, or any professional school examination is to dramatically reduce the number of admissible minority students. Therefore, we should not only question the legitimacy of using standardized tests because of their low to modest predictive validity for all students, but we must also seriously consider these exams as unwarranted barriers for minority and poor students.

William Turnbull, president of the Educational Testing Service (ETS), the group that provides the SAT, recently wrote:

> Scores on a test of scholastic aptitude—or developed ability to reason with words and numbers posing college-like problems—tell you something about how much trouble a student may expect to have in moving immediately into

> college work. They tell you nothing about the odds against which he or she has had to struggle in developing those particular abilities or about the energy and determination the individual will put into his college work. His ability to solve problems posed in a different language or cultural context may or may not be reflected in the scores, depending on how widely divergent the two cultures at issue may be. But the tasks posed by the tests and by the typical college course have a great deal of similarity, and overall success on one set of such problems relates fairly well to probable success in the other.
>
> I have said that the proportion of "misses" among minority students—the cases in which students do well or poorly in relation to the predictions—is just about the same as for majority students. Can we then conclude that all's well? Emphatically not, because of one galling and persistent fact: black and brown people score lower, on the average, than do whites. The fact that they also have a harder time in college may tend to vindicate the tests, but it compounds the social and human problems. If school and college work is culture bound and if tests are devised mainly to predict success in such work, then it follows that culture bound tests will do the best job of prediction. On such tests the student from a different cultural heritage will do poorly. His college performance will, on the average, confirm the prediction. Colleges, noting the predictive validity of the test scores, will come to place some reliance on them, and if no other information about such students is brought to bear on the college's decision, such a student from a minority culture may be denied admission to selective institutions. A tight circle seems to be drawn around his chances.

Researchers would question Turnbull's assumption that overall success on standardized tests relates "fairly well' to probable success in college work. However, it is apparent that most universities and colleges place little reliance on other information about students when they are considering applicants for admissions. Second, Turnbull's statement on the impact of culture in education and on testing is of prime importance. He wrote: "If school and college work is culture bound and if tests are devised mainly to predict success in such work, then it follows that culture-bound tests will do the best job of prediction." One could conclude that the ETS president considered college work as being culture-bound and based upon the dominant Anglo culture of this society. Therefore, one could conclude that the standardized tests themselves were culture-bound. Then it follows that the test is not a racially/ethnically neutral or fair criterion to use in an admission policy because it discriminates according to race or ethnicity.

Chicanos, Afro-Americans and others have charged that nationally standardized tests are culture-bound, that they are culturally and

linguistically biased in favor of a specific cultural and socioeconomic status group. Yet, this society is witnessing an explosion of the non-white population—so that in the not too distant future the Euro-American will be in the minority. This society also prides itself in having the democratic principles that guarantee the right of every American to maintain their culture and their language or dialect. Standardized tests however, punish cultural and language minorities and poor students for not being Anglos and affluent.

There is a valuable example of how tests could be biased in favor of different groups depending upon what items were included on a standardized test. Professor Garcia noted that:

> Males in our common culture tend to do better on some mechanical, spatial and quantitative tests and females tend to do better on some perceptual, memory and verbal tests. Lewis Ferman (a man) and Maud Merrill (a woman), who designed the Stanford Binet (1960), were fully aware that men and women were biologically different and that men and women played different sociological roles in virtually every human society. But they could not decide whether the male sociological role was more intellectual than the female role; nor whether male test items were ultimately more valid than female test items. Lewis and Maud solved their problem by simply selecting items which favored neither sex and balancing sex-biased items so that males and females appeared equal in IQ. In doing this, they deliberately attenuated the socioeconomic validity and the predictive power of their test. Since males are more successful economically and professionally than females in America, it should be obvious that an IQ test indicating male superiority would have yielded higher correlations with socioeconomic scales. But, by and large, other mental testers have followed suit, using one statistical devise or another to remove between-sex differences from their intelligence scales.

Males in this society would certainly not have allowed for an intelligence test that favored women. However, tests can be constructed on which women will constantly score higher than their male peers. It is basically a matter of loading the test instrument with items that women tend to do better on. The rationale for the test would be that it accurately measures individual performance in the perceptual, memory, and verbal areas, and if men do poorly on the test it is because they are inferior to women. We can generally agree that an intelligence test favoring women has not developed because it would not be "fair" to both sexes. A more important consideration for not developing these tests is that it would be politically unwise; the male population would not allow for the existence of a test that discriminates against them.

Ethnic differences in test performance present us with the same dilemma as do sex differences. During primary and secondary school, for example, standardized tests are used to unjustly stigmatize and erroneously place Chicanos in special education classes for the mentally retarded, and to track them into low ability programs. However, researchers have found that low scores on standardized achievement tests are not reliable or valid indicators of the ability of these children. Moreover, these instruments are more accurate when used with majority white students. The dilemma is that one group is favored by the test while the other group is not.

As Professor Garcia has succinctly written:

> Whenever a human group is separated from the mainstream culture by virtue of discrimination, geographic, economic or cultural factors, it will develop its own words, phrases, concepts, grammar, ethics, problems, solutions, motives and goals as a function of the degree of segregation. This is the stuff of which test items are made. In a test made up of items from the mainstream culture and dominant socioeconomic group, the minority and poor student will appear disadvantaged because he has had less prior exposure to the sources of the test.

Majority white students do better on intelligence tests devised for whites, but racial and ethnic minorities do better on tests designed for them. "There is no method," according to Garcia, "for deciding which items are ultimately more valid, for the acquisition of words, concepts, grammars, and abstract solutions is the same intrinsic developmental process for all languages and for all mankind. Inevitably, differences between the majority and minority can be enhanced, reduced or reversed by selecting items from either the majority dominant culture or the minority cultures." If we accept the notion that humans have similar intellectual capacities, and that racial and ethnic minorities, as well as the poor of this country, are not innately inferior, then we must question the legitimacy of using nationally standardized tests. These examinations, as the context for determining intelligence or achievement, are biased.

As has already been noted, the average performance of minority candidates on standardized tests used at the postsecondary level is considerably below that of white students. For example, with the Law School Admissions Test, the LSAT, there is a gap of about 133 points out of a possible 600 between black and white candidates. This means that 92.7 percent of the white males score above the average black male, while only 10.1 percent of the black males score above the average white male on the LSAT. However, the predictive ability of the LSAT is not impressive. Research indicates that it is easier to

guess a student's race than it is to predict first year law school grades on the basis of LSAT scores. Thus, if a school were to use only the LSAT to select law students, it would virtually exclude black minority candidates.

Recent studies have also shown that minority and poor students perform much closer to white students once admitted to a professional school than they do on the tests required for admissions. Black and Chicano students with lower standardized test scores than whites have performed well in law school and medical school programs. A study by the Association of American Medical Colleges indicated that the large difference between minority and majority students in the MCAT performance is not reflected by a similar difference in medical school performance. This finding is consistent with the results of a study (Bartlett, 1967) conducted at the University of Rochester School of Medicine between 1949 and 1962. Students with low MCAT scores did not have academic performance that was different from their higher-scoring classmates.

In an extensive study sponsored by the Law School Admission Council (Schrader and Pitcher, 1974), the researchers reported that the large differences between majority and minority student performance on the LSAT are not reflected by similar differences in law school performance.

Ultimately, the primary impact of including standardized tests as a factor in the admissions policy is to divide racial and ethnic groups. Majority culture and affluent applicants receive the high scores and are established as the "qualified" candidates; minority culture and poor applicants receive low scores and are deemed as "unqualified." In essence, the supposedly racially neutral and fair criterion discriminates against the minority groups and favors the dominant cultural group.

The "Racially Neutral" or "Fair" Admission Criteria

There are those that zealously support the *Bakke* "reverse discrimination" stance and will not accept the temporary remedial use of racial classifications. Use of these classifications has been proposed by various legal and medical associations, but more important, a series of universities have supported the University of California on the racial classification question. The universities include Columbia, Harvard, Howard, Rutgers, Stanford, University of Washington, University of Pennsylvania, Yale and other universities. These educational institutions contend that remedial use of racial classifications is not comparable to invidious and exclusionary racial classifications, and that the interests of this society would be served if this criterion were used.

Bakke supporters appear to want a strict application of a racially neutral and fair criteria—i.e. standardized tests and GPA—and any deviation from those traditional measures would be considered as discriminatory against the majority population and unjustly favoring minorities. Even if the question of quotas were set aside and not considered as an additional admissions criterion, the prevalent view of the proponents of the "reverse discrimination" thesis would not allow for the elimination of the cultural and class bias that is already built into the traditional admissions criteria. Any change would be condemned.

The crux of the argument of those that have hoisted the "reverse discrimination" banner is that there can be only one way of gaining access to higher education—even if it is not fair and it is culturally biased. Not long ago the Irish, Italians, Jews, and others that were not allowed into postsecondary institutions struggled to gain access. They fought for the establishment of a quantitative criteria for university admissions, and members of those groups mastered the method of gaining access to the universities. They developed their test taking skills, obtained the necessary precollegiate preparation, and strove to attain the necessary grades. Several of the proponents of the reverse discrimination thesis contend that if these earlier religious and ethnic groups that were discriminated against successfully gained access through the application of quantitative criteria, then present day minorities should also be able to do so. This argument, of course, does not take into consideration the distinctively different histories of Euro-Americans and nonwhite minorities in this country. What worked for previously disadvantaged minorities may not work today. Earlier minorities used the traditional quantitative criteria to break down religious and ethnic barriers, as well as doing away with invidious quotas. The minorities of today are confronted by a barrier that had served Italians, Irish, and Jews as a vehicle for entry into universities.

Furthermore, shifting the burden onto the minorities and poor is simply institutionalizing discrimination. If the traditional quantitative criteria—the tests and GPA—are not valid predictors of the potential that minorities and poor applicants have for succeeding in an academic program, and if these criteria are not in any way related to professional performance after graduation, then it is fair for the culturally different and the poor to demand admissions criteria that are valid for them.

Quantitative criteria, in the form of test scores and GPA, may have been used by earlier minorities to break down artificial and arbitrary barriers which denied them equal opportunity on the basis of merit. However, the quantitative criteria, as applied today, functions to dis-

criminate against the culturally different and the poor. It is not a racially neutral or fair criteria because it is biased in favor of a particular culture and class; and it is a capricious and artificial barrier that denies competent minority and poor students entry into the university. The criteria does not adequately predict performance, motivation, and the potential for academic success of millions of Americans that are not from the mainstream culture or the affluent class.

2
SEARCH FOR ALTERNATIVES

Because the traditional quantitative criteria are not fair to all students—and preference is shown on the basis of racial or ethnic identity and social class position—it is crucial for all students who are being rejected that admission criteria be made fair and accurate predictors and incorporate societal needs. However, changes to the traditional criteria will not be easily won. There are those who would question any change as being an act of reverse discrimination. There are those who would not want change because under the present system they are the ones who have access to the universities. Also, there are those within the universities who would negatively react to modifications in the admissions policy. Professor Alexander Astin, UCLA School of Education noted:

> . . . . Faculties in the more selective institutions, of course, will resist any relaxation in admissions policies vigorously. Indeed, within many campuses of the University of California there is currently a move afoot to tighten admissions policies. The feeling among many faculty seems to be that too many ill-prepared students are being allowed to enroll. What is somewhat puzzling about this attitude is that it suggests that students exist for the benefit of institutions, rather than vice-versa. Rather than modifying programs to fit the needs of students who are admitted, faculty seem more inclined to modify the student input to fit existing programs. Whether faculties can ever be persuaded to take a different approach to this issue is a moot question.
>
> Whether or not any such changes can ever be implemented, one thing seems clear: The existing institutional structures in many states, particularly those where Chicano students tend to concentrate, does not provide anything remotely resembling equal educational opportunities. Perhaps the biggest obstacle to change is that most people in policy making positions like these hierarchial systems the way they are. Meritocratic values have become so deeply entrenched in our thinking that most are inclined to take for granted the elitist nature of the institutional structure.

Professor Garcia made a similar conclusion when he wrote:

> Quantitative criteria—GPA and test scores—provide faculty with students which resemble the faculty in ethnicity, social background and motivations.

> This simplifies teaching enormously, therefore, quantitative criteria provide the faculty obvious job benefits. But at a more important and subtle level, these criteria hide ethnic bias under a facade of objectivity. Furthermore, the way the University uses tests violates the fundamentals of test construction!

If we assume that this society is pluralistic, and that no cultural groups is subordinate and that differences are respected, we can determine that the traditional quantitative admissions criteria are unjust barriers for minorities; that the standardized tests have a modest capability for predicting academic success, and no validity in predicting performance in the professions. That standardized tests are culture-bound and favor the majority culture, and that they punish minorities and the poor for not being more Anglo and affluent. In addition, GPA can also be a biased measure with minorities and the poor. It may more readily reflect the inequality in the educational preparation of these groups and provide majority students, having quality schooling, with greater access to the university.

Interim Changes to the Regular Admissions Policy

Interim changes that have been recommended for the traditional criteria include normalizing standardized test scores within groups so that the high scoring student within each group is discernible. This would also be done for the GPA criteria which will help to eliminate some of the effects of unequal schooling. These interim changes to the postsecondary admission policy would be maintained until inequalities in the educational preparation of majority and minority students is alleviated. The measures used to determine appropriate change would be: the elimination of low quality segregated schooling—underfinanced, overcrowded, poor facilities—for racial and ethnic minorities; the implementation of bilingual-bicultural curriculum and instruction to meet the cross-cultural and linguistic needs of minorities; and the implementation of a general quality school program for minorities that includes adequate counseling, emphasis on college preparatory coursework, and a close alliance with the minority community.

Although the American Jewish Congress supports Allan Bakke, they made the following recommendations to create a fairer basis of academic competition. They include:

—School systems should undertake to identify, as early as possible, disadvantaged students who show promise of outstanding achievement.

—Educators need to stress individual guidance counseling, not just for high achievers but for all students in schools with large minority enrollments.
—The federal government should expand such remedial and enrichment programs as Upward Bound, Educational Opportunity Centers and Special Services.
—Both public and private colleges and universities should supply more financial assistance and part-time jobs to needy students, as well as giving them more extensive remedial help.
—Educational testing organizations should scrutinize their examinations for evidence of cultural bias, which might result in lower test scores for minority students.

Minority representatives concur with these recommendations and endorse college outreach and recruitment programs for minority students, as well as student services programs. Obviously, given the fact that they are segregated or attend low quality and underfinanced schools, minorities will for some time not have the same educational opportunities and preparation as majority students. Therefore, postsecondary institutions must provide them with the necessary academic support and counseling services. A minority student cannot be expected to suddenly, without proper assistance, divest himself of twelve years of poor schooling.

Changes to the Regular Admissions Policy That Incorporate Criteria Based upon Economic and Educational Characteristics, Student Motivation, and Societal Needs

Another set of recommendations for changing the *regular* admissions process is that "disadvantaged criteria," as suggested by the California State Supreme Court, be incorporated into postsecondary school admissions policy. In making their decision in favor of *Bakke* in 1976, the majority court also explained: "While minority applicants may have lower grade point averages and test scores than others, we are aware of no rule of law which requires the University to afford determinative weight in admissions to these quantitative factors. In practice, college and universities generally consider matters other than strict numerical ranking in admission decisions." The court further observed that "low grades and test scores may not accurately reflect the abilities of some disadvantaged students; and it may reasonably conclude that although their academic scores are lower, their potential for success in school and in the professions, such as the medical

profession, is equal to or greater than that of an applicant with higher grades who has not been similarly handicapped."

Apart from encouraging the University of California to go beyond the simple admissions formula of grades and standardized test scores, the court suggested that ". . . the University may properly, as it in fact does, consider other factors in evaluating an applicant, such as the personal interview, recommendations, character, and matters relating to the needs of the profession [be it medical, legal, teaching or others] and society." The American Jewish Congress also made recommendations that applied a "disadvantaged criteria." The Congress suggested that graduate school admission practices must be adjusted to consider such questions as these:

> Did the aspiring applicant have to work nights to get through college? Does he or she come from a broken or culturally deprived home? Did the applicant attend an inferior elementary or high school? Did he or she, despite all these disadvantages, participate in school activities? Does the applicant manifest leadership, industry, perseverance, motivation?

Peter D. Roos, the Director of Educational Litigation for the Mexican American Legal Defense and Education Fund (MALDEF), provided several factors that may be incorporated in an admissions criteria. Roos noted the following factors:

1. Poverty is an obvious factor which was suggested by the California State Supreme Court in its *Bakke* decision;
2. Whether or not the parents of an applicant have completed college—or high school;
3. Whether English was the applicant's first language or was learned outside the home;
4. Whether the applicant has had to overcome the problem of being educated in a segregated barrio or ghetto school;
5. Whether the student has had to provide support for himself and/or members of his family during the years of school.

Each of the above factors are characteristics of certain racial and ethnic groups which have put them at an economic and educational disadvantage in meeting the traditional criteria for postsecondary school admissions. "It is believed," wrote Roos, "that each of the above-stated factors is an important impediment to achieving well as measured by traditional criteria; it further is believed that in the long run, they probably serve as strengths rather than weaknesses in the ultimate process . . ."

A final point with regard to this category of changes to the regular admissions policy requires that undergraduate and graduate school admission policies relate to the needs of the society. For example, medical schools, law schools, and schools of education and social welfare must be aware of the service needs of the society and they must provide the individuals to meet those needs. These schools should also provide individuals that will be good doctors, good lawyers, good social welfare workers and good educators. On both these counts, the minorities of this society are not being served.

First, there are insufficient numbers of professionals that are serving in the minority communities. There are, for example, unreasonably low numbers of lawyers and doctors serving in barrios, ghettos and reservations. To meet this societal need, that is, to provide professionals for underserved minority communities, the admissions procedure should incorporate a criteria that will increase the probability of trained professionals serving in these communities. This can be done by inquiring, as part of the admissions application, whether the individual professional school applicant is intending to practice in an underserved minority community. In fact, if the lack of professional service in particular communities is acute, as it is in barrios, ghettos, reservations—and in poor white and rural sectors—then the school can require that a certain number of its students be willing to serve in these designated areas.

With respect to professional schools we are also concerned with the competency of the individual produced by the professional school program, and whether that individual will be able to provide "quality" service to all people. The contention of minorities is that there are too few professionals that can provide them with quality service. For example, there are few doctors that can speak Spanish or Indian languages, and this inability to communicate most certainly affects the delivery of quality health service. The same can also be said of lawyers, social welfare workers, and educators. Imagine a monolingual English speaking first grade instructor trying to "teach" a monolingual Spanish speaking Chicano youngster. We are sure that the inability of the teacher to establish language communication with the child would inhibit the delivery of quality instruction.

At another level, minorities contend that there are professionals that are ignorant of minority cultures, or worse, are prejudiced against ethnic and racial minority groups. Ignorance of a culture, and the lifestyle of a people, can affect the quality of the service that a professional provides. Unfortunately, throughout the history of minority people in the United States there have been charges that members

of the various professions have discriminated against nonwhite people because they were racially or ethnically different.

In order to meet the social need of providing quality professional service to the minority communities it is imperative that graduate schools evaluate whether applicants have the experience, knowledge, sensitivity and commitment to serve in a culturally different environment. Hewitt and Cortés (1977) propose that the factors of language competency, cultural competency, and previous service experience in the minority community could each be part of the admissions framework used to evaluate all medical school applicants. They also proposed a way of validating the new criteria:

> These new admission standards could be judged as to validity by applying the professional success criteria . . . including the factor of societal service. A study of former medical school applicants as physicians, correlating these new admissions components with professional success, including societal service, could be used to determine the validity of these reforms. Such evidence would then be used to modify further the admissions system. Moreover, this further modification would also be based on such factors as demographic changes (increase or decrease in the size and percentage of the Chicano population) and changes in medical services (increase or decrease in physicians with the competencies to serve this population).
>
> We would add that in the evaluation of [professional school] success criteria there must be careful consideration of the factors to be used. We are not suggesting that service to the Chicano population [and meeting societal needs] be determined only by such factors as going into practice in a Chicano community or serving in a barrio hospital. Activities like conducting research on special medical needs of Chicanos, doing special work with Chicano students as a medical school professor, or helping to shape hospital policies and procedures to provide better service to Spanish-speaking patients could all be considered societal service evidence for professionally validating admissions reforms.

Professor Kenneth C. Karst (September 1977), UCLA School of Law, summed up the matter of minority and societal needs when he wrote: "We are not . . . handing out professional school admissions as prizes for past achievement, but on the basis of potential social utility. Someone has made a judgement about social needs, and has defined 'merit' accordingly." Karst further noted that "the purposes of special minority admissions programs in our professional schools are the integration of our classrooms (with important educational benefits that we have experienced at the UCLA Law School), and the integration of the professions (with the aim of improving medical care

and legal representation for minority communities, providing role models for minority youths, and providing a fair share for minorities of the political power of the professions). *These are social goals of compelling importance, as even the California Supreme Court did not deny* [emphasis mine]."

The societal goals listed by Karst, including, in particular, the need to desegregate higher education institutions, is a goal that would benefit the entire society. This societal goal should also have meaningful impact on the undergraduate admission policies of our universities and colleges. At the present time, in order to attain integrated student bodies, postsecondary institutions must be held responsible for identifying competent minority students, recruiting them, and providing them with academic and financial services.

A Geographic Criterion As Part of the Regular Admission Policy

A third important change to the regular admissions policy would be the modification recommended by Professor Garcia. He noted:

> The answer to our dilemma lies in a constitutional principle. Regions and communities have a right to their own political representatives. Regions and communities pay taxes to support universities, so they also have a right to their own university-trained public servants, doctors, lawyers, and teachers. At present, most college students are selected "at large"; for example, the University of California admits the top 12 percent of the high school graduate students from the statewide pool. Twelve percent from each high school district would be more representative.

This is not a novel recommendation. Geographic factors are taken into consideration by several of the prestigious universities in the east, and our armed forces academies incorporate a geographic criterion in their selection and appointment process.

In addition, as has been mentioned in the earlier section, the commitment of an individual to establish professional practice in an underserved minority community could be incorporated as a factor in professional school admissions. Attention should therefore be paid to the geographic origin of an undergraduate and graduate school applicant, as well as to the geographical area that a professional school applicant would be committed to serve.

Incorporating Culture-Specific Tests as Part of the Admissions Criteria

Since there is no such thing as culture free examination, there is a need to develop instruments that validly and accurately measure the

academic potential of minorities. Standardized tests that are used today, be it the SAT, GRE, MCAT or LSAT, do not select out the qualified minority students; the tests do not predict academic success, they certainly do not predict success in professional practice, but they do discriminate against ethnic minorities and the poor. What is called for are instruments that more accurately measure and predict the potential of ethnics to succeed in undergraduate and graduate programs, and whether or not they would be good doctors, lawyers, social workers, educators and so on. Nationally standardized tests cannot do this because the instruments would require in-depth and detailed knowledge of individual ethnic groups and a determination of what characteristics within each ethnic group would contribute to academic and professional success.

In a very real sense there is no "racially or culturally neutral" criteria for university admissions that can be applied and that would not discriminate against certain ethnic/racial groups or other applicants on the basis of their economic class. However, what we are looking for are students who will be successful, and that precious resources and valuable positions are not being wasted. If culture specific tests provide us with qualified students then why not develop these tests, and why not make them available for students to take? A student could therefore have the option of taking one of numerous tests available, all approved for university admissions use.

Racial/Ethnic Classifications: A Temporary Remedial Criterion as Part of Postsecondary School Admissions Policy

The United States Justice Department, in a "friend-of-the-court" brief presented to the U.S. Supreme Court in the *Bakke* case, was devoted to stressing the need for the consideration of race in decisions affecting members of groups that have suffered discrimination. "In our view, only one question should be finally resolved in the present posture of this case: whether a state university admissions program may take race into account to remedy the effects of societal discrimination," the Justice Department said. "We submit that it may."

We agree with the proposition of the Justice Department and recommend that racial/ethnic classifications be a part of the *regular* admissions criteria for a temporary period. The classifications would be used as a remedy, not as a permanent fixture, to assist in achieving the goal of having integrated student bodies in universities and colleges.

The dissenting opinion in the California State Supreme Court *Bakke* decision spoke directly to the issue of racial/ethnic classifications.

"Two centuries of slavery and racial discrimination have left our nation an awful legacy," wrote Justice Tobriner. "A largely separated society in which wealth, educational resources, employment opportunities—indeed all of society's benefits—remain largely the preserve of the white-Anglo majority. Until recently, most attempts to overcome the effects of this heritage of racial discrimination have proven unavailing. In the past decade, however, the implementation of numerous 'affirmative action' programs, much like the program challenged in this case, have resulted in at least some degree of integration in many of our institutions."

Justice Tobriner further noted that: "To date, this court has always been at the forefront in protecting the rights of minorities to participate fully in integrated governmental institutions. It is anomalous that the Fourteenth Amendment that served as the basis for the requirement that elementary and secondary schools could be *compelled* to integrate, should now be turned around to *forbid* graduate schools from voluntarily seeking that very objective."

By reaching the decision that the University of California Davis Medical School admissions program is unconstitutional, Justice Tobriner noted that the California high court majority proceeded from two fundamentally flawed premises. "First, the majority erroneously equate the racial classification utilized by the medical school to achieve an integrated student body with the traditional 'invidious' racial classification embodied in laws or state policies which discriminated against blacks and other racial or ethnic groups . . ."

"By failing to distinguish between *invidious racial classifications*," wrote Judge Tobriner, "the majority utilize the wrong constitutional standard in evaluating the validity of the Davis special admission program. This fundamental error inevitably infects and invalidates the majority's ultimate constitutional conclusion."

Second, Justice Tobriner challenged the majority assertion that minority students accepted under the special admission program are "less qualified" than the majority applicants rejected by the medical school. He contended that: "By adopting the special admission program, the medical school has indicated that in its judgement differences in academic credentials among qualified applicants are not the sole nor best criterion for judging how qualified an applicant is in terms of his potential to make a contribution to the medical profession or to satisfy needs of both the medical school and the medical profession that are not being met by other students. In asserting that the accepted minority students are less qualified than rejected applicants, the majority in effect enc ow standardized test scores and grade

point averages with a greater significance than the medical school attributes to them or than independent studies have shown they will bear."

While the majority of the California Supreme Court contended that the adverse effects of any racial classification outweigh any potential benefits, Judge Tobriner noted that there are an array of scholars and universities who maintain "that the failure to adopt benign classifications as a temporary measure will perpetuate racial and ethnic deprivation for the indefinite future and will preclude ever achieving a colorblind society."

A crucial point that must be discussed is the overlap that will often occur between the racial/ethnic classification criterion and the other criteria recommended above. In fact, Justice Tobriner and other insightful observers have questioned the premise for establishing the economic and educationally "disadvantaged criteria" if it is meant to be a "hidden" or indirect correlate of race and ethnicity. Tobriner wrote: "The majority initially suggest that the [U.C. Davis] Medical School could achieve its goals by utilizing such nonracial means as opening its special admissions program to disadvantaged applicants of all races. This alternative—like most of the other *nonracial* [emphasis mine] classifications which have been suggested—bears the initial vice of disingeniousness. Because the principal objective of the medical school is to achieve a *racially* and *ethnically* integrated, rather than an economically diverse student body, any nonracial classification will achieve the Medical School's objective (or the objective of most colleges and universities) only to the extent that such nonracial classification in fact correlates with minority race and ethnic background. Thus, the process of selecting a racially neutral criterion to promote integration cannot honestly be described as a 'nonracial' decision. Yet the majority commands just such a manipulation of labels, so that the perfectly proper purposes of the program must be concealed by subterfuge. I do not concur in this retreat into obfuscating terminology."

Clearly, several of the factors suggested by Peter Roos on behalf of MALDEF would be indirect measures of race and ethnicity. Using the poverty criterion, for example, would have an obvious correlation with racial and ethnic groups. In California the group with the lowest annual income is the American Indian; next on the poverty index would be the Mexican ($8,791 in 1979), and third would be the black; the mean income level for the total white population in California ($10,969 in 1970) is thousands of dollars higher than for minorities. The second economic factor recommended by Roos,

whether a student has had to provide support for himself/herself and/or family, also correlates highly with racial or ethnic background.

The education factor, the years of schooling completed by parents, also correlates with racial or ethnic background. In California, Chicanos have a median school years completed of 9.7, while the total white population has 12.4. A fourth factor noted by Roos, whether an applicant had to learn English outside the home also correlates with ethnicity, and the sizeable Spanish speaking, primarily Mexican, population in California and throughout the Southwest. The last factor, whether an applicant had to overcome the problem of being educated in a segregated barrio or ghetto school, clearly relates to racial or ethnic background. The factor does not encompass white students attending majority segregated schools, and there are few Anglos attending barrio or ghetto schools.

Even the recommendations of the American Jewish Congress that were cited above include some factors that would relate highly to race or ethnicity. Yet the Congress is opposed to the temporary and remedial use of the racial/ethnic classification criterion. However, the economic criteria proposed by the Congress would correlate with membership in the low-income minority groups. Furthermore, recommendations by the Congress that admission practices consider such questions as whether an applicant comes from a culturally deprived home, or attended an inferior elementary or high school, are basically asking the following:

—Is the applicant from the majority advantaged culture or is he/she from a minority (racial/ethnic) cultural group?
—Was the applicant provided with a quality education or did he/she attend inferior (racial/ethnic) segregated schools?

While groups argue for nonracial or racially neutral criteria, many of the recommendations made to change the regular admissions policies of postsecondary schools would, in effect, overlap with racial/ethnic classifications. As Justice Tobriner indicated, if the "disadvantaged criteria" is going to include the manipulation of labels so that perfectly proper purposes of providing equality of educational opportunity to minorities are concealed, then it is a retreat to subterfuge. The danger in not allowing the racial/ethnic classification criteria is that any of the recommendations to the regular admissions policy, including those made by the American Jewish Congress, could then be challenged on the grounds that they provide for a racial/ethnic classification of applicants.

Joseph A. Califano, Secretary of Health, Education, and Welfare, has indicated that the brief submitted by the Justice Department in the ***Bakke*** case, and the government's support for the use of a racial/ethnic classification criterion in college admissions "provides strong encouragement to those educational institutions that have voluntarily instituted . . . programs for minority students." The brief indicated that: "The most important principle involved here is that because the effects of racial discrimination are not easily eliminated, mere neutrality toward race often is inadequate to rectify what has gone before." The document also argued that professional schools "have no adequate alternative to the use of minority-sensitive admissions criteria" if they want to make up for the effects of past and *continuing* bias.

3
THE RECOMMENDED CRITERIA FOR A HIGHER EDUCATION REGULAR ADMISSIONS POLICY: SPECIAL ADMISSION PROGRAMS AND QUOTAS ARE NOT INCLUDED

The criteria that have been recommended for inclusion in the *regular* admissions policy of postsecondary education institutions, some for both undergraduate and graduate admissions, generally involve five areas. They include:

1. Interim modifications to the existing traditional quantitative criteria of GPA and nationally standardized achievement test scores. GPA and test scores would be normalized within each designated group and higher achievers on each of these variables would be selected for undergraduate and graduate studies. The modifications would be of an interim nature until equal educational opportunity was provided to minority and poor students, and until valid and accurate testing instruments were made available.
2. Economic, educational, motivational and societal needs criteria, as proposed by the California State Supreme Court, and as recommended by MALDEF and groups such as the American Jewish Congress, would be incorporated as part of regular postsecondary admissions policy, both at the undergraduate and graduate level.
3. Postsecondary school admissions would incorporate a recruitment and selection process based upon a geographic criteria. The colleges and universities at the undergraduate level would select 12 percent from each high school district.
4. In addition to the current nationally standardized achievement tests, the regular admissions policy would include the option for undergraduate and graduate applicants to take culture-specific tests that are developed to predict the potential for academic success of applicants that are not from the majority culture. At the graduate level these tests would select students that are most likely to succeed in an academic program and that would perform well in a given profession.

5. The final criterion for inclusion in the regular admissions policy of colleges and universities is the racial/ethnic classification of applicants.

There are two important characteristics to the above recommendations. First, all of the changes would be to the *regular* admissions policy of a college or university. No *special admissions* programs are called for with the recommendations. The purpose for making these modifications to the regular admissions policy, and not creating small and limited special admissions programs for minorities and poor was cited in a report by the California Assembly Subcommittee on Postsecondary Education. The report noted that:

> The University (of California) is proceeding in a contradictory position by sincerely defending special efforts to increase opportunities for the disadvantaged, while the faculty remains unwilling to question "regular" admission procedures which narrowly assess all applicants, inadequately predict performance of many, and consistently discriminate against minorities who prove their qualifications through subsequent achievement . . .
> . . . as long as graduate school faculty opt for a "special admission program" rather than applying broader admission criteria to all applicants, preferential admissions will appear unfair to many members of the majority culture.

Additionally, the California Assembly Subcommittee stated that even if the university revamped its admissions criteria, it probably would be meaningless for minorities unless race is considered in determining eligibility. According to the report, "consideration and use of race at least as one of several criteria is clearly the most, and perhaps the only, effective means of meeting our compelling state interest of integrating the professions."

Establishing special minority admission programs that operate concurrently with regular admission programs has few benefits and many negative aspects. These programs would be regarded as "special" and as a transitory phenomenon. The students admitted through such programs would be regarded as inferior to the students admitted through a regular admissions program, and the minority students would be stigmatized. The college or university operating such a program could lump all minority applicants into the special program, regardless of whether individual minority candidates had academic credentials superior to those required for regular admissions. This would be a way of "controlling" the flow of minorities admitted to a college or university because only limited resources, in terms of

student positions, could be allocated to a special admissions program. Further, these special programs would provide rejected majority candidates with logical grounds for bringing court cases against the university on the basis that two admission policies exist: the regular admission policy that supposedly selects truly "qualified" students, and the special admission policy that has a supposedly lower standard. If a candidate were rejected by the regular policy he/she could argue that he/she was better qualified than the students admitted through special admissions. Admission criteria, including those such as the recommendations made above, should therefore be applicable to all applicants, and there should be one standard admissions process.

Many of the liberals that support the minority cause are arguing for "special admissions" and for the use of quotas that would be provided for qualified minority applicants. Special admission programs developed during the last decade, by a *limited* number of concerned postsecondary institutions, have provided minorities with a degree of university access. However, one thing that is clear about special admission programs is: they have had limited success and they are limited in scope. Through the use of special admissions, some universities have integrated a few of their graduate programs, due principally to the involvement of sensitive departmental faculty and campus administrators. These departments, principally medical and law schools, have provided stark studies showing that without minority admission programs these schools will revert to their previous complexion—almost all white. This is probably true, but there are still some serious concerns regarding special admission programs.

For example, the experiments and implementation of special admission programs at the graduate and undergraduate level may be critically evaluated on the following grounds:

1. Few colleges and universities have implemented minority-sensitive special admission programs. The vast majority of the postsecondary school institutions have not dealt with the issues of providing minorities with access or of desegregating their undergraduate or graduate student bodies. Student affirmative action has failed to significantly increase the number of college and university trained minorities across the country because too few campuses have implemented affirmative actions plans and programs.
2. Even within colleges and universities that have implemented special admission programs we find that the programs are isolated and few students are involved in comparison to the total departmental or campus student population. In addition, while

one or several graduate departments may implement these programs there can still exist other departments, on the same campus, that have a basically all white student body.

3. Colleges and universities that provide special admission programs for minorities will allocate resources; however, because the programs are limited, they will have limited support. Program allocations will typically not approximate the established need level generated by taking into account any number of factors. For example, minority needs could be established by considering the present level of minority student enrollment versus the minority population in a city, a state, or the nation. Minority needs could also be established by assessing the general shortage of college and university trained minorities with specific professional training and competencies.

   The matter of limited resource allocations for special minority sensitive programs is an important issue. Resource allocations, in terms of student "places" and providing for student services and support programs, will be grossly under that which minorities need and deserve. Especially with respect to public colleges and universities, minorities and the poor are paying for, but not receiving services from the educational institutions. The services are being provided, in a disproportionate measure, to white-Anglo students and the affluent, and special programs for minorities have not noticeably changed this inequitable system.
4. Special admission programs for minorities are not providing college and university access to sufficient numbers of minorities, consequently the number of college educated and professionally trained minorities remains low throughout the country. It is true that special programs have made significant contributions to a few professional schools in various universities, but the overall picture remains as before: minorities are not progressing through United States's colleges and universities in numbers comparable to their representation in given regions.
5. Minority sensitive special admission programs become visible targets for critics that may have altogether different purposes in mind. Scholars within the university will question the special selection process and whether or not it provides students that merit entry and are qualified to do the academic work. Majority student applicants, their parents, and others will contend that racial discrimination occurs because the special admission programs are only for minorities. Some segments of our society will continue to argue that Afro-Americans, Chicanos, Native

Americans, and Asian Americans do not belong in college along with white students—therefore these special programs should not exist. On the other hand, there will be minority representatives that attack these programs for providing too little, too late, to change the national education status of minorities. Minorities need and deserve more.

6. The major criticism of special admission programs, from a minority perspective, is that the existence of such programs indicates that a national cross section of universities and their faculties are unwilling to question "regular" admission practices and to put into effect policies that are fair to minorities. Clearly, only a few universities are attempting to integrate their undergraduate and graduate programs—these are the institutions that have implemented student affirmative action. Most universities have done nothing to provide access for minority students and several have attempted to remain segregated. All universities and colleges have maintained GPA and test scores as the "regular" basis for determining who is acceptable to their undergraduate and graduate programs, knowing that these criteria discriminate against minorities.

Special admission programs have played an important part in providing college and university access to minorities during the last decade. These programs showed that minority students with low GPAs and with low test scores could succeed. The results have also shown that minority professionals, trained through special admission programs, have returned to minority communities, provided service, and provided role models. But these programs, their "special" nature and their limited scope, are not the appropriate vehicles for expanding educational opportunity for minorities.

Larger and larger numbers of minorities is a reality in the United States. The needs of society and of minorities can be served by colleges and universities—that is a reality. There is a need for minority college graduates and trained professionals—that is a reality. There is a need to integrate colleges and universities that are presently serving a particular racial/ethnic group and the affluent—that is a reality. And there is a need to eliminate arbitrary and unfair barriers that discriminate against minorities and unfairly inhibit their entry to undergraduate and graduate studies—that is a reality. Making changes to the regular admission policy of all universities and affording entry to qualified minorities will provide results that affect the needs of today and the future. Opting for special admission programs is not dealing with reality and provides too little.

The second important characteristic of the recommendations offered here for establishing a fair admissions policy and for providing equality of educational opportunity is that no quotas are implemented. While the question has arisen as to the difference between affirmative action goals and racial/ethnic quotas, insofar as postsecondary school admissions is concerned, quotas are counterproductive for Chicanos, blacks and other minorities.

We are not concerned here with affirmative action policies in other arenas, such as in the employment sector, but in education, quotas have further disadvantaged minorities. Quotas have been set to maintain a ceiling as to the number of applicants that would be allowed—a policy which has kept minority presence in colleges and universities at a low level. Quotas have been linked to some special admission programs with a "fixed" number of positions available—a policy which has been criticized as a token gesture on the part of a college or university. As a concession to raising pressure from minority communities, a university could allocate very limited resources for the maintenance of a quota; the groups that would suffer would be the minorities themselves. No meaningful change would be made in the number of minority students enrolled in an academic program, and the minorities would be condemned by the majority for "reverse discrimination."

In the history of the Chicano, the black, the Indian, and the Asian American, as well as women, there have never been quotas that have been implemented in their favor. Quotas, however, have been used to keep these minorities out of postsecondary institutions. Even the special entry program at the UC Davis Medical School had questionable benefits. Some have charged that the allocation of 16 positions out of 100 for minorities constituted a quota system—even though less than 16 positions were filled at times when the admissions committee did not find qualified candidates. The UC Davis program was not a gift to minorities; providing 16 positions out of 100 for all minorities in the state was a mechanism for controlling the flow of minorities into the institution. Not even taking into account the black, the Indian, and the Asian communities in California, the Chicano alone constitutes over 18 percent of the state's population. All these groups were combined in the UC Davis program which allowed for the possible utilization of a maximum of 16 percent of the Medical School resources.

Another negative aspect of quotas and their possible utilization is that not only could all minorities be combined into a fixed low number, but they could also face the certainty that resource allocations would not increase, making quotas untenable. Unfortunately, there are

numerous individuals and groups, including the news media, that consider the racial/ethnic classification criteria and quotas one and the same. This is not true. The racial/ethnic criteria is one factor that would be considered along with the constellation of other factors, including grades, test scores, economic, educational, motivational, societal needs criteria, and geographic considerations. Admission to undergraduate or graduate school would not be determined by racial background alone, as it would not be determined by test scores alone. The candidacy of an applicant must be determined by the individual's profile across all of the variables.

There must be no minimum or maximum number of student positions based upon race or ethnicity. Clearly, if a quota system were implemented, the groups that would suffer would be the minorities. Presently, special quotas afford the affluent and those with political clout a vehicle for getting their offspring into the university. Large financial donors, or those that can "do things" for the university, do not necessarily have to worry about meeting a standard admission policy. They are allowed entry through the use of special connections—quotas used by university officials. Consequently, the need for expanding the *regular* admission criteria without quotas, and for adopting changes such as those suggested here, is of paramount importance if minority access to postsecondary school institutions is to be provided.

4
THE EBB AND FLOW OF CHANGE

In October of 1977, Reynold Colvin, one of Bakke's lawyers, defended the extreme position that no specific help could be granted to minority applicants. Justice Thurgood Marshall indicated to Colvin, "You are arguing about keeping somebody out and the other side is arguing about getting somebody in [providing access for minorities]." Colvin answered, "That's right . . . minorities have the right to compete. They have the right to equal competition." Once again we were presented with the argument that "racially neutral" and "fair" admissions criteria existed—and once again there was a total disregard for reality. Competition for postsecondary school admissions, both undergraduate and graduate studies, would be based upon a culturally and socioeconomically biased criteria. They were biased in favor of white applicants and biased against minorities. That is what is considered as "the right to compete . . . the right to equal competition."

Archibald Cox, representing the university before the U.S. Supreme Court, drew a dismal picture of the potential of the *Bakke* case for this country. "The answer which the Court gives," he said, "will determine, perhaps for decades, whether members of minorities are to have meaningful access to higher education in the professions, or are to be reduced again to trivial numbers." Three facts, he maintained, cannot be ignored: There are more qualified applicants than there are professional schools, including medical school places; generations of discrimination have made it difficult for minorities to compete with whites for grades and test scores (which do not predict the academic performance potential of minorities); thus, a "racially blind" selection method (not using racial classifications) *will not* bring a significant flow of minorities into professional schools. As Solicitor General, Wade McCree argued, "to be blind to race today is to be blind to reality."

Those opposed to the use of racial classifications argue that the implementation of such a criterion would constitute reverse discrimination, would impinge upon the individual rights of white Americans, and would have an invidious and divisive effect upon our society. Let us examine each of these charges.

Reversed Discrimination?

First, racial classifications and other aspects of student affirmative action programs have been challenged on the grounds that they are

unconstitutional under the Fourteenth Amendment. There is a call for strict "nondiscrimination," that is, no preferential treatment according to racial or ethnic background. Preferential treatment for minorities, according to this argument, requires that white individuals, specifically white males, be placed at a disadvantage. What occurs, supposedly, is that a discriminatory policy similar to that used against minorities by the majority would be implemented; the policy, however, would favor minorities and would be biased against whites—discrimination in reverse.

This conclusion is incorrect for two reasons. One, the so-called "reverse discrimination," if it indeed exists, must be a mirror image of the traditional form of discrimination practiced against minorities. Discrimination implies that there is a group that establishes and perceives itself as being in a superordinate position over a second group. In the United States this has typically meant the subordination by white Euro-Americans of racially and ethnically different minorities. Without the establishment of racial or ethnic superordinate and subordinate positions, discrimination, based upon race or ethnicity, could not exist in any area—political, social, or economic. To imply that minorities have suddenly acquired the superordinate position and now control the mechanisms for discriminating against white Americans is nonsensical. Have Chicanos, blacks, Indians, Asian Americans, or women and poor people established themselves as superior to the white (man) or the affluent? No! Have the minorities gained control of the powerful positions that determine policy, and are *they* now implementing admissions criteria, employment policies, funding arrangements, housing covenants, gerrymandering of electoral boundaries and other practices that discriminate in favor of themselves and against white Americans? No! Minorities have not established themselves in superordinate positions while placing white Americans in subordinate groups. Minorities have not practiced the forms of discrimination that have traditionally been used against them. Within this context, there is no such thing as "reverse discrimination," or "reverse racism."

A second point regarding the invalidity of the reverse discrimination charge is found in the goals of race discrimination and the use of racial classifications. Discriminatory practices in higher education were used to keep racial and ethnic minorities out of colleges and universities. Quotas were established as ceilings, for example, to limit the number of Jews, Irish, Mexicans, and blacks that could be admitted during any given period. Today, racial classifications are used to provide access and not to limit the admission of minorities.

Universities that once used racial and ethnic identification for keeping individuals from certain groups out of their undergraduate and graduate programs would, with the use of racial classifications, be able to consider minority group identification as a positive factor and not as a cause for rejection.

The goal of racial classifications is quite different from the goal of discrimination that is practiced against minorities. Simply stated, racial classifications and the implementation of alternative admissions criteria are not used to keep minorities, the groups that continue to be subordinated in this country, out of privileged positions. However, the proponents of the reverse discrimination thesis argue that, while racial classifications may benefit members of minority groups, this criterion, and others, would discriminate against white Americans. In part, this argument states that majority group members would be excluded from higher education on the basis of their being white. However, no one is asking that quotas be established to limit the entry of white Americans into colleges or universities. Limits, such as those imposed upon blacks, Asians, Mexicans and others, of 4 percent, 8 percent, or 10 percent are not being advocated for white Americans. If low limiting quotas, similar to those used with respect to nonwhite minorities, are not being proposed for the white majority, then, again, there is no such thing as "reverse discrimination."

The proposition that white Americans are going to lose a significant number of undergraduate and graduate positions if classifications and preferential minority admissions criteria are implemented cannot be supported by fact. White Americans, in 1972, occupied 87.6 percent of the undergraduate student positions in public and private institutions in the United States; *all* minorities constituted 12.4 percent of the professional school positions in 1972 (Lopez, Madrid-Barela and Macías, 1976). No one is predicting that white Americans will be forced to relinquish their hold on the student positions in higher education and that quotas of 70 percent, 60 percent, or 50 percent will be imposed on white admissions.

According to Professor Ivor Kraft (1976), the call for strict "nondiscrimination" (no "reverse discrimination") is the same call that was sounded 200 years ago, 100 years ago, even a generation ago. It is the functional purpose of what is being called for that counts. "This call for 'nondiscrimination,' " wrote Kraft, "is a defense of the status quo. And the status quo is merely new-style discrimination: by inaction when action is called for, by allowing the malignancy to go untreated, by permitting the new benefits to accrue to the white-Anglo majority while the minorities struggle to catch up (and they never

catch up), by subtle de jure/de facto distinctions, by putting the burden of proof on the individual victim rather than the mass of transgressors . . ."

In a biting analysis of the reverse discrimination position, Kraft made the following observations:

> The opponents of benign racial classifications, fixated on the Fourteenth Amendment, have an argument which, stripped of its elegances and constitutional rhetoric, is stark and brutal: nothing must ever be allowed in the pursuit of racial justice if it entails the infringement, no matter how slight or marginal, of any personal right or privilege of a white man.
>
> Whenever a white man encounters, or suspects that he encounters, such a personal infringement he has an absolute and unqualified access to the sword of the equal protection clause of the 14th.
>
> He may take up that sword and cut off at the root any law, administrative procedure, or institutional policy which gives a non-white person any measure of advantage over him when that advantage is in any way related to a factor of non-whiteness. And no considerations of historical injustice, past constitutional interpretations, administrative convenience, compelling national purpose, flagrant statistical imbalances, contrived testing and screening devices, disguised white supremacist doctrines, massive economic and social disadvantage among minorities, or expected social improvements—none of it can in any way serve to blunt the razor-like edge of the white man's own Fourteenth Amendment equal protection sword.
>
> Was that amendment specifically and chiefly adopted to protect the interests of black people? Even if it was, never mind, it says "equal protection" and it is *our* equal protection that concerns us, say the new racial puritans.
>
> Are we to give attention to the fact that for almost 100 years that same Fourteenth Amendment was distorted or ignored or so corrupted as to make a mockery of equal protection as applied to America's minorities? No, say the white purists, what's past is past and cannot be undone; it is best forgotten.
>
> What about the generations of minority youth, millions of individual human beings, whose talents were ignored or crushed so as to monopolize the choice economic and social positions for privileged white majority and their descendents, and what about the offspring of those minorities in our day, many of them also talented, who bear the stigmata of that vast enterprise of suppression and obliteration so that their genuine talents

> are not always revealed by conventional paper and pencil multiple-choice devices? Might this require a little consideration? None whatsoever, says the equal protection sword brandisher, if it is going to involve us in any way in considerations of irrelevant ethnic attributes, and besides, I personally never lynched a black man.

According to Bakke's claim, wrote Ronald Dworkin (November 1977), he, Bakke, "was kept out of medical school because of his race. Does he mean that he was kept out because his race is the object of prejudice or contempt? That suggestion is absurd. A very high proportion of those who were accepted (and, presumably, of those who run the admissions program) were members of the same race."

Dworkin concluded that:

> He (Bakke) therefore means simply that if he had been black he would have been accepted, with no suggestion that this would have been so because blacks are thought more worthy or honorable than whites.
>
> That is true: no doubt he would have been accepted if he were black. But it is also true, and in exactly the same sense, that he would have been accepted if he had been more intelligent, or made a better impression in his interview, or, in the case of other schools (where he had applied), if he had been younger when he decided to become a doctor. Race is not, in *his* case, a different matter from these other factors equally, beyond his control. It is not a different matter because in his case race is not distinguished by the special character of public insult (as is racial prejudice against blacks). On the contrary the program presupposes that his race is still widely if wrongly thought to be superior to others.

Individual Rights and Merit

The second general criticism leveled against minority-sensitive admissions criteria is that they would impinge upon the individual rights of white Americans, and that "individual merit" would no longer be the criteria for selecting undergraduates and graduates. Professor Leon Letwin, UCLA School of Law, responded to this criticism by simply pointing out that our eventual success or failure, as individuals, is not solely determined by what we do as individuals. "No one will accept," said Letwin, "that a black individual, born in the ghetto, is going to have the same advantages or disadvantages as a white individual born in Beverly Hills." Obviously, there are social and economic factors that will affect an individual's life. In addition, race and ethnicity are factors that could play a meaningful role in determining what an individual can achieve and merit. Birth into a

particular class and into a particular race provides benefits, privileges, and access to limited resources that are not rewards for the motivation, the effort, and the perseverance of an individual. Professor Letwin proposed that as long as class and race were such important determinants of who received societal benefits, then the argument that minority-sensitive admissions criteria were "doing away" with meritocratic criteria was ill founded.

Professor Amon Goldworth (1977) considered this problem when he indicated that we must ". . . recognize that the criteria of merit must take account of certain causal antecedents that produce differences in individual capacities. A failure to do so can make a mockery out of the phrase 'equality of opportunity.' To identify the causal antecedents that are relevant, we need to distinguish between naturally produced and socially produced inequalities of individual capacities. . . . As a problem of distributive justice, it [the notion of equality] requires us to be aware of social institutions and practices as they produce individual differences. Unlike the products of nature, our existing social fabric is the product of human choice and intervention."

Specific concerns were made clear by Goldworth in the following:

> If we examine the span of American history, it is demonstrably clear that particular groups, most evidently but not exclusively blacks and women, . . . have been placed at a disadvantage in obtaining desired benefits. Political, social and economic conditions have improved for these groups. But if there is any person who is inclined to believe that the social wrongs so perpetrated have, for all practical purposes, disappeared, I would ask that person to consider whether anyone who is aware of existing social practices and institutions would wittingly choose at present to be other than a white male in order to compete for desired benefits.

Ronald Dworkin observed that the "popular argument frequently made on editorial pages is that Bakke has a right to be judged on his merit. Or that he has a right to be judged as an individual rather than as a member of a social group. Or that he has a right, as much as any black man, not to be sacrificed or excluded from any opportunity because of his race alone. But these catch phrases are deceptive here, because, a reflection demonstrates, the only genuine principle they describe is the principle that no one should suffer from the prejudice or contempt of others. That principle is not at stake in this case at all. In spite of popular opinion, the idea that the *Bakke* case presents a conflict between a desirable social goal and important individual rights is a piece of intellectual confusion."

"I submit," wrote Goldworth, "that it is in many instances our present social practices and institutions which most seriously infringe on an individual's right to be free from discrimination or preferential treatment. Hence it is disingenuous to demand that those who have been set upon should be asked to uphold a doctrine of individual rights while nothing is required of those who have been advantaged by violations of this very doctrine."

Dworkin elaborated in the following excerpts:

> Consider, for example, the claim that individuals applying for places in medical school should be judged on merit, and merit alone. If that slogan means that admissions committees should take nothing into account but scores on some particular intelligence test, then it is arbitrary and, in any case, contradicted by the long-standing practice of every medical school. If it means, on the other hand, that a medical school should choose candidates that it supposes will make the most useful doctors, then everything turns on the judgement of what factors make different doctors useful.
>
> . . . There is no combination of abilities and skills and traits that constitutes "merit" in the abstract . . . If a black skin will, as a matter of regretable fact, enable (a) . . . doctor to do a . . . medical job better, then that black skin is . . . "merit" . . . That argument may strike some as dangerous; but only because they confuse its conclusion—that black skin may be a socially useful trait in particular circumstances—with the very different and despicable idea that one race may be inherently more worthy than another.
>
> Consider the second of the catch phrases I have mentioned. It is said that Bakke has a right to be judged as an "individual," in deciding whether he is to be admitted to medical school and thus to the medical profession, and not as a member of some group that is judged as a whole. What can that mean? Any admissions procedure must rely on generalizations about groups that are justified only statistically.

Again, it is pertinent to note Professor Kenneth C. Karst's observation: "We are not handing out professional school admission prizes for past achievement, but on the basis of potential social utility. Someone has made a judgement about social needs, and has defined 'merit' accordingly."

One other issue is usually raised within the context of the meritocratic selection question: That "unqualified" applicants would be admitted through the use of minority sensitive admissions. McGeorge Bundy (November 1977) reviewed this issue and resolved that "No one is arguing for the admission of the unqualified, and there is no

finding in *Bakke* that such admissions have occurred. Indeed, there is not in *Bakke* any serious legal challenge to the generally accepted proposition that the elemental decision on whether a candidate is qualified for medical school must be left to the professional judgement of faculties and their agents . . . The question is much more subtle: Among the qualified, how shall we choose?"

Invidious and Divisive Effects

The third and last major criticism of minority-sensitive admissions criteria revolves around the charge that these criteria, including racial classifications, would have an invidious and divisive effect upon our society. The critics may accept that the goals of student affirmative action efforts are socially beneficial, however, the use of minority-sensitive criteria, it is argued, incurs too great a cost and too many risks. Basically, this charge is founded on the belief that minorities in our society do not need or should not have "special consideration" or "preferential treatment." This would result, according to the critics, in placing white Americans at a disadvantage, and unjustly punishing individuals that have never practiced racial discrimination. Implementing minority-sensitive criteria would therefore cause great social friction, minorities would be pitted against whites, and little meaningful change would occur.

Minority-sensitive admissions criteria and student affirmative action efforts might require us, argue the critics, to exclude white male Americans and to believe that all members of the group being excluded were equally guilty of discrimination against minorities and women, and therefore were equally deserving of punishment. But, could all white people, ask the critics, because they are white, be equally guilty of discrimination?

Professor Goldworth responded to this inquiry by noting that "it is quite obvious that all white people have not been and are not now equally guilty of discrimination. But it is equally obvious that all white people have benefited directly or indirectly from the wrongs committed by society against blacks."

Judith Jarvis Thompson (1975), Professor of Philosophy, MIT observed:

> Many may actually have been direct beneficiaries of policies which excluded or down-graded blacks and women—perhaps in school admissions, perhaps in access to financial aid, perhaps elsewhere; and even those who did not directly benefit in this way had, in any rate, the advantage in the competition which comes of confidence in one's full membership, and of one's rights being recognized as a matter of course.

A related question usually arises: How can one hold one's contemporaries accountable for wrongs committed by members of previous generations? Goldworth responded:

> This is as old a moral and legal conundrum as the Orestes Trilogy and Adam and Eve. But all that needs to be observed in the present circumstances is that we are accountable for present wrongs committed by present generations either in fostering discrimination against blacks [other nonwhite minorities] and women or in permitting ourselves to benefit from unjustified practices and institutions that were established by previous generations. We are as morally responsible for allowing a wrong that can be corrected as for committing a wrong.

Professor Goldworth asked a critical question: Does a policy of preference given to women [and minorities] make for divided equality so that white males are now placed in the position formerly held by women [and minorities]? His response to this question included:

> What this would require is blocking white males from competing for the overwhelming majority of desired benefits. This, in turn, would entail an almost complete reversal of the social and economic roles played by white males, women [and minorities]. I ask the reader to consider the attendant drastic changes in such areas as the law, family roles, and politics that would be required and produced by such a reversal. I see nothing in the establishment of quotas or preferential hiring that provides the slightest intimation of such a state of affairs.

The use of racial classifications and other minority-sensitive admissions criteria is defensible on various grounds as noted by Kraft. The criteria . . . "is seen as a remedy for past injustice, a compensation for ongoing disadvantages, a device for correcting imbalances, a preventive of future troubles, a brake on run-away racism, an implementation of social needs of the day. The weakest defenses stress the personal needs or desires of individuals who happen to belong to a particular race or ethnic group. The strongest defenses put the emphasis on what promotes the future good of the culture."

Kraft concluded that:

> . . . if you see life and events in terms of assorted group needs and interests, with certain interests opening up more promising routes to the future than others, and with individual destinies composing mainly subordinate units within the larger picture, and if moreover you find racism more than just a little offensive, then you are likely to be impressed by the PA [minority student affirmative action] rationale, even if you end up not accepting it. The large majority of the legal writers who have analyzed the *Defunis*

> case follow (the above noted) approach, and most of them have indicated a willingness to endorse PA as socially, politically, and constitutionally correct. None within this large majority has trouble finding a "compelling state interest" in PA.
>
> The opponents of PA find no compelling interest in it because they refuse on principle to look for one. Having found "reverse racism," the inquiry ends. There must be no race classifications under ay circumstances. That is seen as the absolute command of the Fourteenth Amendment.

The "equal protectionists," as Kraft referred to the opponents of minority student affirmative action who have argued on the basis of the Fourteenth Amendment, may support doing everything possible to combat the evils of racism and discrimination, but it must be done in a "proper way"; that is, using a "racially neutral" and "fair" policy in an admissions program is the only acceptable way. This, again, is simply reaffirmation of the status quo.

White Americans acknowledge, according to Kraft, that affirmative action "advocates are entitled to their ounce of flesh, but if they shed one corpuscle of white blood, they've had it. Naturally, you can make your affirmative action omelette, but cracking white professional eggs is out of the question. Sure you can integrate the professions and make up for massive past discrimination, but who said anything about harming so much as one hair on my white-Anglo head?"

Kraft asked if anyone could possibly be mislead by such formulations and in response to his own question he answered: "loads of people. Catch-22-ism is the mother's milk of racism, and racism means the right, based on trivial genetic differences, to exploit human beings for one's own enrichment without fear of retaliation. And to combat racism means to cut away that right, to surrender enrichment, and to have to entertain fear of retaliation as long as racism continues. Men and women quail before such combat."

McGeorge Bundy indicated that "both the general and specific evidence, not reached by the legal arguments [in the *Bakke* case], combine to suggest that any hurt sustained by whites in general or Bakke in particular is only doubtfully and marginally related to special admission of minorities." "Moreover," wrote Bundy, "there is no way of avoiding some such displacement if in fact there are to be more nonwhites in medical schools. Since everyone except, perhaps, Bakke himself appears to agree that more qualified nonwhites are in fact needed, there is a flavor of Catch-22 about the arguments of his friends and the California (Supreme) Court. They want more blacks, and that

means fewer whites, but any program that produces more blacks by considering blackness in any way is by that very fact unconstitutionally unfair! Can this kind of thinking lead to sound constitutional law?"

The perceived "invidious" effect of affirmative action programs and the implementation of minority-sensitive admissions criteria is generally seen only in terms of how it will ill-effect white Americans. As Professor Letwin noted, "it is not the minorities of this country that feel that expanding their admissions into higher education and into the professions will have an invidious effect; it is white Americans, who must share the benefits that they have so long enjoyed, that are bitterly fighting affirmative action on the grounds that it will divide our society."

White Americans argue that minority-sensitive admissions is a form of "reverse discrimination." That minority-sensitive admissions do not guarantee the rights of the individual and do not focus on the individual merits of an applicant. These slogans and formulations, argue Kraft and other analysts, are simply the rallying points for white Americans who do not want to confront racism, who may not believe that racism affects this society today, or who simply wish to maintain the present social system in which they are privy to the benefits resulting from racism. It is the "Catch-22-ism" of a people, white Americans, who may conclude that there exist inequities in our society but who are unable or unwilling to act because it implies a change that would affect them.

Student affirmative action and minority-sensitive admissions criteria are supposedly "invidious" and "divisive" because they give preference to nonwhite minorities. However, proponents of student affirmative action look upon it as a recognition of a social ill and one important approach to finally acting to eliminate racism, a true invidious and divisive factor in our society. It is a recognition that knowledge, persistence, motivation, and the desire to serve society are not adequately measured by standardized tests and Grade Point Average; and it is a growing acceptance that this society is pluralistic and that cultural and linguistic differences do not denote inferiority but can be considered as assets. It is a recognition that not only white Americans can be good doctors, lawyers, educators and professionals—many more nonwhite people can also be successful in these areas. But, of course, white Americans recognizing these factors is insufficient—they are the single group that can withhold or extend educational benefits to nonwhite Americans. For white Americans not to act but to continue the status quo, will indeed have an invidious and devisive effect on this society.

In higher education there is general agreement on what must be done. "If you want to enlarge the numbers of minority students in selective colleges and professional schools," wrote McGeorge Bundy, "you simply *must* make race a factor in your work." He further wrote: "You must target blacks and Hispanics and others in your recruiting; you must assess their promise in the light of the specific disadvantage that their race itself still carries. If you wish to attract well-qualified candidates you must earn a reputation for real accessibility; you must become known as a place that accepts minorities in more than token numbers. You must then spend time and money well beyond your normal standards in helping them survive and succeed. Precisely because it is not yet 'racially neutral' to be black in America, a racially neutral standard will not lead to equal opportunity for blacks [or other nonwhites]."

The argument against minority-sensitive admissions, specifically racial classifications, is that "if racial classifications have been and may still be used for malign purposes, then everyone has a flat right that racial classifications not be used at all." Ronald Dworkin considered this argument as the "familiar appeal to the lazy virtue of simplicity." "It supposes," he wrote, "that if a line is difficult to draw, or might be difficult to administer if drawn, then there is wisdom in not making the attempt to draw it. There may be cases in which that is wise, but those would be cases in which nothing of great value would as a consequence be lost. If racially conscious admissions policies now offer the only substantial hope for bringing more qualified black and other minority doctors into the profession, then a great loss is suffered if medical schools are not allowed voluntarily to pursue such programs. We should then be trading away a chance to attack certain and present injustice in order to gain protection we may not need against speculative abuses we have other means to prevent. And such abuses cannot, in any case, be worse than the injustice to which we would then surrender."

Bundy also referred to this point and related concerns in his article when he wrote:

> Let it be granted that today special admissions presents no serious threat to whites as a group—and still less to any minority within the majority. What of the principle? What if, one day, every self defined ethnic or cultural minority should demand its own quota? Cannot all of us be defined as members of some minority? And what if, then, the individual opportunities open to every American should be compressed within some narrow racial or ethnic percentage? While no one can say that this is happening today, the possibility clearly worries many.

But quite aside from the compelling and constitutionally recognized difference between being nonwhite and belonging to any other group whatever, there is no constitutional warrant for preventing a hypothetical future hazard at the expense of present urgent needs. Circumstances do change the balances of forces, and a marginal preference which is fair and perhaps even required in one context could, in another, be a flagrant denial of equal protection. A decision to allow what is reasonable today is not a decision to permit abuse tomorrow . . ."

CONCLUSION

There are many forces at work in the opposition to minority-sensitive admission programs. McGeorge Bundy considered several of these in his analysis of the *Bakke* case as it went before the United States Supreme Court. He wrote:

> The most persistent of all the attractive illusions in our country may be that racism can be ended by one single blow. Another of our cherished notions is that everyone can have what he deserves, or even what he wants, especially in the field of education. Precisely because our dream of equal chances for all, we have found it hard to recognize that in our marvelously varied population there is enormous diversity in advantage and disadvantage of all sorts.
>
> Through most of [our] history, most institutions of higher learning, like the rest of America, have been blatantly racist; the exceptions have been as few as they have been honorable. For only about ten years out of our two centuries as a nation has there been a serious nationwise attempt to make room in the higher reaches of this world for those who have been held back so long. The results so far are uncertain, but the achievement is real, while the asserted dangers are hypothetical. If the process is not yet as open and skillful as it should be, it is much more open and skillful than it was. Faculties still insist on their responsibilities, but they are more and more aware that there are constituencies all around them that have a right to an accounting. Their efforts to meet competing claims do not proceed in a vacuum. The whole process is incomparably broader than the narrow chains of legal reasoning which are offered to the Court, and members of the white majority are hardly powerless in that process. Whatever is selective will always be imperfectly equitable, but in the absence of a persuasive showing of any grave or general damage to basic constitutional rights, it would seem genuinely tragic to block this great new effort at racial fairness just as it begins.
>
> No one can deny that special admissions programs, even at their best, have costs and dangers; the grievances of Allan Bakke and others may be overstated and even misdirected, but they are deeply felt. Racial preference can arouse racial antagonism, and the general rule that judgement should be based on personal merit alone has its high claims. Still, it seems clear that to take race into account today is better than to let the doors swing almost shut because of the head start of others. We must hope and believe that in the long run our effort for equal opportunity will put the need for special programs behind us. In that deep sense there is no conflict be-

> tween special admissions and every other form of action to help the disadvantaged, white and nonwhite alike. But what special admissions, and only special admissions, can do today is to make access to the learned professions a reality for nonwhites. To get past racism, we must here take account of race. There is no other present way.

Bundy, at that time, asked that the Supreme Court "respect the reality that the world of American higher learning is at last embarked upon a long-delayed and indispensable effort to do its part to deal with our most deeply rooted social evil, one which was the proximate cause of the Fourteenth Amendment itself." He concluded by writing: "To read the words of that amendment in ways that would cripple that effort would seem a cruel irony. What is worse, it would be to assert that in the learned professions the equal protection clause somehow requires the perpetuation of de facto white supremacy."

REFERENCES

1. *Allan Bakke v. The Regents of the University of California*, California State Supreme Court, Dissenting Opinion by Judge J. Tobriner.
2. *Allan Bakke v. The Regents of the University of California*, California State Supreme Court, Majority Opinion by Judge J. Mosk.
3. Astin, Alexander. "Equality of Access for Chicanos in Higher Education," University of California, Los Angeles and Higher Education Research Institute. Unpublished paper.
4. Bartlett, J. W. "Medical School and Career Performances of Medical Students with Low Medical College Admissions Scores." *Journal of Medical Education, 42*, 1967, pp. 231–237.
5. Bundy, McGeorge "The Issue Before the Court: Who Gets Ahead in America?" The Atlantic Monthly, November 1977.
6. California Legislature, Assembly Permanent Subcommittee on Postsecondary Education, *Unequal Access to College: Postsecondary Opportunities and Choices of High School Graduates*, November 1975.
7. California Legislature, Assembly Permanent Subcommittee on Postsecondary Education, *The Bakke Decision: Disadvantaged Students*, (Draft) July 1977.
8. Cherick, A. N. *The Predictive Validity of the Scholastic Aptitude Test for Disadvantaged College Students Enrolled in a Special Education Program*. Dissertation 1970.
9. Coleman, James S. et. al. *Equality of Educational Opportunity*. Washington, D.C.: Government Printing Office, 1967.
10. Dornbush, Stanford M., Ruben W. Espinoza, and Celestino Fernandez. "Chicano Perceptions of High School and Chicano Performance," *Aztlan: International Journal of Chicano Studies Research*, Vol. 8, No. 2 (Forthcoming).
11. Dworkin, Ronald. "Why Bakke Has No Case," The New York Review, November 10, 1977.
12. Flaugher, R. L. "Research on Testing and the Minority Student." Paper presented at the GRE Board Research Seminar, at the 12th Annual Meeting of the Council of Graduate Schools, November 29, 1972, New Orleans, LA. Published by ETS, Princeton, N.J., May 1973.
13. Garcia, John "Intelligence Testing: Quotients, Quotas, an Quakery," in J. Martinez (ed.), *Chicano Psychology*, Academic Press, Inc., San Francisco, (In Press).
14. Garcia, John. "The Bakke Case: Reverse, or Enforced Discrimination," August 1977 (Mimeographed paper).
15. Goldman, R. D. and M. H. Widawski. "An Analysis of Types of Errors in the Selection of Minority College Students," *Journal of Educational Measurement*, 1976, *13*, pp. 185–200.
16. Goldworth, Amon. "A Comment on John H. Bunzel's *Rescuing Equality*," a paper disseminated by the United Professors of California, San Jose State University, Chapter 1362. Dr. Goldworth is a Professor of Philosophy, San Jose State University. 1977.
17. Gough, Hall G. "Misplaced Emphasis in Admissions," *The Journal of College Student Personnel*, 6, 1965, pp. 130–135.
18. Haro, Carlos. *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*, Monograph No. 9, Chicano Studies Center Publications, University of California Los Angeles, 1977.
19. Hewitt, Barbara N. and Cortes, Carlos E. *To Serve Society: An Alternative Model For the Selection of Professional School Students, Aztlan—International Journal of Chicano Studies Research*, Vol. 8, No. 2 (Forthcoming).
20. Howell, M. A. and J. W. Vincent. "The Medical College Admission Test as Related to Achievement Test in Medicine and to Supervisory Evaluation of Clinical Physicians." *Journal of Medical Education, 42*, 1974, pp. 338–342.

21. Karst, Kenneth C. "Bakke Case: Is Special Too Special?" UCLA Daily Bruin, September 20, 1977.
22. Korman, M. and R. L. Stubblefield, and Martin, L. W. "Patterns of Success in Medical School and Their Correlates." *Journal of Medical Education, 43*, 1968, pp. 405–411.
23. Kraft, Ivor. *Defunis v. Odegaard: Race Merit and the Fourteenth Amendment*. (California State University) Sacramento, California 1976.
24. Lannholm, G. V. "Summaries of GRE Validity Studies: 1966–1970." Graduate Record Examinations Special Report #72-1. ETS, Princeton, N.J., Feb. 1972.
25. Letwin, Leon. University of California Los Angeles, School of Law. Debate with Mr. Jack Bratter, Attorney, Member of the National Commission of the Anti-Defamation League of B'Nai B'rith. UCLA Graduate School of Education, November 3, 1977.
26. Lopez, Ronald W., Arturo Madrid-Barela and Reynaldo Flores Macias. *Chicanos in Higher Education: Status and Issues*. Monograph No. 7 Chicano Studies Center Publication, University of California, Los Angeles, 1976.
27. *The Regents of the University of California vs. Allan Bakke*, In The United States Supreme Court, October Term, 1977, No. 76-811. Brief of the Black Law Students Association at the University of California, Berkeley School of Law as Amicus Curiae.
28. *The Regents of the University of California vs. Allan Bakke*. In The United States Supreme Court, October Term, 1977, No. 76-911. Brief of Amici Curiae submitted by the Mexican American Legal Defense and Educational Fund, et al.
29. *The Regents of the University of California vs. Allan Bakke*, In The United States Supreme Court, October Term, 1977, No. 76-811. Reply Brief for Petitioner submitted by Archibald Cox, Donald L. Reidhaar, Paul J. Mishkin and Jack B. Ownes.
30. . . . "Reverse Bias Racial Quotas Cannot Bring About Racial Justice," *Los Angeles Times*, August 24, 1977. By Naomi Levine and Richard Cohen, American Jewish Congress.
31. Roos, Peter. Letter to Special Committee on Admissions, Hastings College of Law, October 27, 1976. Published in *The Bakke Decision: The Question of Chicano Access To Higher Education*, Chicano Studies Center Document No. 4, University of California, Los Angeles, 1977.
32. Saxon, David. "UC's Minorities Plan Serves Public Needs," *Los Angeles Times*, January 23, 1977.
33. Schrader, W. B., and B. Pitcher and Winterbottom, J. A. *The Interpretation of Law School Admission Test Scores for Culturally Deprived and Non-White Candidates*. Reports of LSAC Sponsored Research: Vol. 1, 1949–1969, pp. 375–383.
34. Thacker, A. J. and R. E. Williams. "The Relationship of The Graduate Record Examination To Grade Point Average and Success in Graduate Studies." *Educational and Psychological Measurement*, 1974, 34, pp. 939–944.
35. Thompson, Judith Jarvis. "Preferential Hiring," *Moral Problems: A Collection of Philosophical Essays*, 2nd. ed., edited by James Rachels, 1975.
36. Turner, E. V., M. M. Helper and S. D. Kriska. "Predictors of Clinical Performance." *Journal of Medical Education, 43*, 1968, pp. 405–411.
37. The United States Commission on Civil Rights, *Statement on Affirmative Action*, Clearinghouse Publication 54, October 1977.
38. United States Civil Rights Commission. Mexican American Education Study, Reports I-VI (1971–1974).
39. Warren, J. R. *Prediction of College Achievement Among Mexican American Students in California*. College Entrance Examination Board Research and Development Reports RDR 76-77, No. 1 (Research Bulletin RB-76-22) Educational Testing Service, Berkeley, July 1976.
40. Weinberg, Meyer. *Minority Students: A Research Appraisal*. U.S. Department of Health, Education, and Welfare, National Institute of Education, March 1977.
41. Willingham, W. W. "Predicting Success in Graduate Education." Paper presented at the Graduate Record Examination Board Research Seminar at the 12th Annual Meeting of the Council of Graduate Schools, November, 1972. Published by ETS, Princeton, N.J., May 1973.
42. Wollenberg, C. *All Deliberate Speed, Segregation and Exclusion in California Schools, 1855–1975*, University of California Press, Berkeley, 1976.

SELECTED BIBLIOGRAPHY

This bibliography is provided for the reader interested in doing further research on postsecondary school admission policies and their effects on minorities, as well as on topics concerning the education of the Chicano. An extensive bibliographic research effort, supported by the UCLA Chicano Studies Center, will provide a publication, *Selected Materials on Postsecondary School Admission Policies and Minority Student Access and Performance: An Annotated Bibliography.*

Adkins, Dorothy C.; Payne, Frank D.; and Ballif, Bonnie L. "Motivation Factor Scores and Response Set Scores for Ten Ethnic-Cultural Groups of Preschool Children." *American Educational Research Journal* 9 (1972): 557–572.

Adler, Manfred. "Intelligence Testing of the Culturally Disadvantaged: Some Pitfalls." *Journal of Negro Education* 38 (1968): 364–369.

Adler, Manfred. "Reported Incidence of Giftedness among Ethnic Groups." *Exceptional Children* 34 (1967): 101–105.

Alzobaie, A. J.; Metfessel, N. S.; and Michael, W. B. "Alternative Approaches to Assessing the Intellectual Abilities of Youth from a Culture of Poverty." *Educational and Psychological Measurement* 28 (1968): 449–455.

Arnold, Richard D. "Reliability of Test Scores for the Young Bilingual Disadvantaged." *The Reading Teacher* 22 (January 1969): 341–345.

Barker, M. E. "The Purdue Perceptual-Motor Survey: The Spanish Edition, Development and Standardization." Ed.D. dissertation, New Mexico State University, 1973: 126.

Bartlett, J. W. "Medical School and Career Performances of Medical Students with Low Medical College Admission Test Scores." *Journal of Medical Education* 42 (1967): 231–237.

Bender, Paula S.; and Ruiz, Rene A. "Race and Class as Differential Determinants of Underachievement and Underaspiration among Mexican-Americans and Anglos." *Journal of Educational Research* 68 (1974): 52–55.

Bernal, Ernest M. Jr. "Gifted Mexican American Children: an Ethno-Scientific Perspective." *California Journal of Educational Research* 25 (1974): 261–273.

Bernal, Ernest M. Jr., and Reyna, J. "Analysis of Giftedness in Mexican American Children and Design of a Prototype Identification Instrument." Published by Southwest Educational Development Laboratory, March 1974.

Borup, Jerry H. "The Validity of American College Test for Discerning Potential Academic Achievement Levels: Ethnic and Sex Groups." *Journal of Educational Research* 65 (1971): 3–6.

Bruch, C. B. "Modification of Procedures for Identification of the Disadvantaged Gifted." *Gifted Child Quarterly* 15 (1971): 267–272.

Buriel, Raymond. "Cognitive Styles among Three Generations of Mexican American Children." *Journal of Cross-Cultural Psychology* 6 (1975): 417–429.

Carter, Thomas P. "Mexican Americans in Schools: A History of Educational Neglect." New York: College Entrance Board, 1970.

Catterall, C. D. "Concerns Relating to the Testing and Special Education of Minority Children." *Educating the Mexican American.* Edited by Henry Sioux Johnson, and William J. Hernández-M. Valley Forge: Judson Press, 1970: 145–154.

Chandler, John T., and Plakos, John. "Spanish-Speaking Pupils Classified as Educable Mentally Retarded." *Integrated Education* 7 (1969): 28–33.

Cherdack, A. N. "The Predictive Validity of the Scholastic Aptitude Test for Disadvantaged

College Students Enrolled in a Special Education Program." Ph.D. dissertation, University of California, Los Angeles, 1970.

Choate, H. H. "Selected Factors Contributing to Learning Potential of Children of Spanish Heritage." Ed.D. dissertation, University of Southern California, 1971.

Cleary, T. Anne, and Hilton, Thomas L. "An Investigation of Item Bias." *Educational and Psychological Measurement* 28 (1968): 61–75.

Cole, Nancy S. "Bias in Selection." *American College Testing Program* 51 (1972): 19.

Cory, C. H. "Comparison of Four Models for Making Predictions across Institutions." Ph.D. dissertation, University of Washington, 1968.

Dalton, S. "Predictive Validity of High School Rank and SAT Scores for Minority Students." *Educational and Psychological Measurement* 34 (1974): 367–370.

Darcey, Natalie T. "Bilingualism and the Measurement of Intelligence: Review of a Decade of Research." *Journal of Genetic Psychology* 103 (1963) 259–282.

Darlington, Richard B. "Another Look at 'Cultural Fairness.'" *Journal of Educational Measurement* 8 (1971): 71–82.

Davis, E. E., and Rowland, T. "A Replacement for the Venerable Stanford-Binet?" *Journal of Clinical Psychology* 30 (1974): 517–521.

DeAvila, E. A., and Havassy, B. "Some Critical Notes on Using IQ Tests for Minority Children." Paper presented at "Urban Education and the Mexican American" conference University of California, Los Angeles, July 11–13, 1973.

Drew, C. J. "Criterion-Referenced and Norm-Referenced Assessment of Minority Group Children." *Journal of School Psychology* 11 (1973): 323–329.

Duling, J. A. "The Use of the Miller Analogies Test as a Screening Device for Mexican-American Graduate Students." *Journal of the National Association for Women Deans, Administrators and Counselors* 37 (1974): 133–136.

Evans, Francis Benjamin. "A Study of Sociocultural Characteristics of Mexican-American and Anglo Junior High School Students, and the Relation of These Characteristics to Achievement. Ed.D. dissertation, New Mexico State University, 1969.

Farias, Hector, Jr. "Mexican-American Values and Attitudes toward Education." *Phi Delta Kappan* 52 (1971): 602–604.

Felice, L. G. "Mexican American Self-Concept and Educational Achievement: The Effects of Ethnic Isolation and Socioeconomic Deprivation." *Social Science Quarterly* 53 (1973): 716–726.

Fitch, Michael John. "Verbal and Performance Test Scores in Bilingual Children." Ed.D. dissertation, University of Northern Colorado, 1966.

Flaugher, R. L. "Research on Testing and the Minority Student." Paper presented at the GRE Board Research Seminar, at the 12th Annual Meeting of the Council of Graduate Schools; New Orleans, LA., November 29, 1972: 33–38.

Flores, Juan Modesto. "A Study of Mexican-American Cultural Characteristics as Perceived by Members of 100 Impoverished Mexican-American Families and Its Educational Implications." Ed.D. dissertation, University of Houston, 1972.

Galvan, Robert Rogers. "Bilingualism as It Related to Intelligence Test Scores and School Achievement among Culturally Deprived Spanish-American Children. Ph.D. dissertation, East Texas State University, 1967.

Gill, Lois Jean. "Some Non-Intellectual Factors Related to the Academic Achievement of Spanish-American Secondary School Students. Ph.D. dissertation, University of Denver, 1961.

Goldman, Roy D., and Hartig, L. K. "The WISC May Not Be a Valid Predictor of School Performance for Primary-Grade Minority Children." *American Journal of Mental Deficiency* 80 (1976): 583–587.

Goldman, Roy D.; Hewitt, B. N.; and Cortés, C. E. "Cultural-Fair Selection of Professional School Students." Mimeographed. Unpublished.

Goldman, Roy D., and Richards, Regina. "The SAT Prediction of Grades for Mexican-American versus Anglo-American Students at the University of California, Riverside." *Journal of Educational Measurement* 11 (1974): 129–135.

Goldman, Roy D., and Slaughter, Robert E. "Why College Grade Point Average is Difficult to Predict." *Journal of Educational Psychology* 68 (1976): 9–14.

Goldman, Roy D., and Widawski, Mel H. "An Analysis of Types of Errors in the Selection of Minority College Students." *Journal of Educational Measurement* 13 (1976): 185–200.

Gordon, C. W.; Schwartz, A. J.; Wenkert, R.; and Nasatir, D. "Educational Achievement and Aspirations of Mexican-American Youth in a Metropolitan Context." UCLA Center for the Study of Evaluation (occasional report) 36 (1968).

Gowan, J. C. "Issues in the Education of Disadvantaged Gifted Students." *The Gifted Child Quarterly* 12 (1968): 115–119.

Guerra, Manuel. "The Retention of Mexican American Students in Higher Education with Special Reference to Bicultural and Bilingual Problems." *Educating the Mexican American*. Edited by Henry Sioux Johnson, and William J. Hernandez-M. Valley Forge: Judson Press (1970): 124–144.

Hanson, Edith Josephine. "A Study of Intelligence Tests' Results for Mexican Children Based on English and Mexican Test Forms." Master's thesis, University of Southern California, 1931.

Henderson, Ronald W. "Environmental Predictors of Academic Performance of Disadvantaged Mexican-American Children." *Journal of Consulting and Clinical Psychology* 38 (1972): 297.

Henderson, Ronald W., and Merritt, C. C. "Environmental Backgrounds of Mexican-American Children with Different Potentials for School Success." *The Journal of Social Psychology* 75 (1968): 101–106.

Hickey, T. "Bilingualism and the Measurement of Intelligence and Verbal Learning Ability." *Exceptional Children* 39 (1972): 24–28.

Hilliard, P. "Identifying Gifted Minority Children Through the Use of Non-Verbal Tests." Ph.D. dissertation, Yeshiva University, 1975.

Howell, James Oliver. "A Comparison of Academic Characteristics and Predictability of Academic Success of Mexican American Students with That of Non-Mexican American Students at New Mexico State University." Ed.D. dissertation, New Mexico State University, 1971.

Howell, M. A., and Vincent, J. W. "The Medical College Admission Test as Related to Achievement Tests in Medicine and to Supervisory Evaluations of Clinical Physicians." *Journal of Medical Education* 42 (1967): 1037–1044.

Humphreys, Lloyd G. "Statistical Definitions of Test Validity for Minority Groups." *Journal of Applied Psychology* 58 (1973): 1–4.

Hunter, J. E.; Schmidt, F. L.; and Rauschenberger, J. M. "Fairness of Psychological Tests: Implications of Four Definitions for Selection Utility and Minority Hiring." *Journal of Applied Psychology* 62 (1977): 245–260.

Hurt, M., and Mishra, S. P. "Reliability and Validity of the Metropolitan Achievement Tests for Mexican-American Children." *Educational and Psychological Measurement* 30 (1970): 989–992.

Justin, Neal. "Culture Conflict and Mexican-American Achievement." *School and Society* 98 (1970): 27–28.

Karabinus, R. A., and Hurt, M., Jr. "The Val Alstyne Picture Vocabulary Test Used with Six-Year-Old Mexican-American Children." *Educational and Psychological Measurement* 29 (1969): 935–939.

Karadenes, M. "A Comparison of Differences in Achievement and Learning Abilities between Anglo and Mexican-American Children When the Two Groups Are Equated by Intelligence." Ed.D. dissertation, University of Virginia, 1971.

Keston, Morton J., and Carmina, Jimenez. "Study of the Performance on English and Spanish Editions of the Stanford-Binet Intelligence Test by Spanish-American Children." *Journal of Genetic Psychology* 85 (1954): 263–269.

Killian, L. R. "WISC, Illinois Test of Psycholinguistic Abilities, and Bender Visual-Motor Gestalt Test Performance of Spanish-American Kindergarten and First-Grade School Children." *Journal of Consulting and Clinical Psychology* 37 (1971): 38–43.

King, G. V. "Ethnic, Age and Sex Differences on the Draw-A-Person Test." Ph.D. dissertation, Texas A & M University, 1974.

Kittel, Jack E. "Intelligence-Test Performance of Children from Bilingual Environments." *The Elementary School Journal* 64 (1963): 76–83.

Klein, S. P., and Doby, W. C. "An Examination of Certain Qualitative Characteristics and the Academic Performance and Progress of UCLA Students Who Would Have Been 'Accepted' vs. 'Rejected' by Various Admissions' Policies." A University of California, Los Angeles-sponsored research report. Mimeographed.

Lambert, Wallace E., and Anisfeld, Elizabeth. "A Note on the Relationship of Bilingualism and Intelligence." *Canadian Journal of Behavioral Science* 1 (1969): 123–128.

Lannholm G. V. "Summaries of GRE Validity Studies: 1966–1970." *Graduate Record Examinations Special Report #72-1*. Princeton, New Jersey: Educational Testing Service, February 1972: 21.

Lenning, Oscar T. "Predictive Validity of the ACT Tests at Selective Colleges." American College Testing Program, Research and Development Division, Iowa City, Iowa #69, August 1975: 14.

Levine, Murray. "The Academic Achievement Test: Its Historical Context and Social Functions." *American Psychologist* 31 (1976): 228–238.

Linn, Robert L., and Werts, Charles E. "Considerations for Studies of Test Bias." *Journal of Educational Measurement* 8 (1971): 1–4.

Lombrozo, M. P. "Ethnic, Racial and Social Class Differences as Measured by Free-Association Cognitive Responses to Verbal and Pictorial Stimuli." Ed.D. dissertation, University of Southern California, 1969.

Lugo, James Oscar. "A Comparison of Degrees of Bilingualism and Measure of School Achievement among Mexican-American Pupils." Ph.D. dissertation, University of Southern California, 1970.

Maes, W. R., and Rinaldi, J. R. "Counseling the Chicano Child." *Elementary School Guidance and Counseling* 8 (1974): 279–284.

Malone, C. E. "Identification of Educationally Deprived Gifted Kindergarten Children." Ph.D. dissertation, United States International University, 1974.

Martinez, Joe L.; Martinez, Sergio R.; Olmedo, Esteban L.; and Goldman, R. "The Semantic Differential: a Comparison of Chicano and Anglo High School Students." *Journal of Cross-Cultural Psychology* 7 (1976): 325–334.

Martinez, Olivia G. "Assessing the Intelligence of Chicano Children: an Opinion." Paper presented at "Urban Education and the Mexican American" Conference, University of California, Los Angeles, July 13, 1973.

Matluck, Joseph H., and Mace, Betty J. "Language Characteristics of Mexican-American Children: Implications for Assessment." *Journal of School Psychology* 11 (1973): 365–386.

McCall, R. B. "Childhood IQs as Predictors of Adult Educational and Occupational Status." *Science* 197 (1977): 482–483.

McNamara, Patrick Hayes. "Mexican-Americans in Los Angeles County: a Study in Acculturation." Master's thesis, St. Louis University, 1957. Reprint. San Francisco: R and E Research Associates, 1975.

Mercer, J. R. "Identifying the Gifted Chicano Child." *Child Psychology*. Edited by J. Martinez. San Francisco: Academic Press, Inc., in press.

Mercer, J. R. "Sociocultural Factors in Educational Labeling." *The Mentally Retarded and Society: a Social Science Perspective*. Edited by M. J. Begab, and S. A. Richardson. Baltimore: University Park Press, 1975: 141–157.

Mercer, J. R., and Smith, J. M. "Subtest Estimates of the WISC Full Scale IQs for Children." U.S. Department of Health, Education, and Welfare, March 1972.

Molina, Huberto. "The Need and Function of Built-In Assessment Instruments in Instructional Programs Designed for Spanish-Speaking Children Learning English." *Journal of Instructional Psychology* 2 (1975): 14–18.

Montenegro, R. "Educational Implications of Cultural Values and Attitudes of Mexican American Women." Ph.D. dissertation, Claremont Graduate School, 1973.

Mosley, Ramon Thomas. "Development and Application of a Spanish-English Bilingualism Attitude Scale." Ph.D. dissertation, Texas A & M University, 1969.

Murray, Michael E.; Waites, Lucius; Veldman, Donald; and Heatly, M.D. "Ethnic Group Differences between WISC and WAIS Scores in Delinquent Boys." *Journal of Experimental Education* 42 (1973): 68–72.

Mushkin, Selma J. "A Proposal for a 'SIR' (SIR = Sex, Income, Race) Adjusted Index of Educational Competence." Sponsored Report Series, U.S. Office of Education. Washington, D.C.: U.S. Government Printing Office, August 1973.

Narrol, Harvey, and Bachor, Dan G. "An Introduction to Feuerstein's Approach to Assessing and Developing Cognitive Potential." *Interchange* 6 (1975): 2–16.

National Conference on Civil and Human Rights in Education, #10. "Violations of Human and Civil Rights: Tests and Use of Tests: Report." Washington: National Education Association, 1972.

Newton, Harry Gene. "An Analysis of the Relationship between Certain Aspects of Acculturation and the School Adjustment of Mexican-American Students in the Seventh Grade." Ed.D. dissertation, Texas Tech. University, 1969.

Olesini, Jose. "The Effect of Bilingual Instruction on the Achievement of Elementary Pupils." Ph.D. dissertation, East Texas State University, 1971.

Palomares, Uvaldo H. "Performance of Mexican-American Children on Selected Nonverbal Tests of Intelligence." *Educating the Mexican-American*. Edited by Henry Sioux Johnson, and William J. Hernández. Valley Forge: Judson Press, 1970: 155–159.

Parsons, Paul John. "A Study of Values of Spanish-Surname Undergraduate College Students at Five State Colleges in Colorado." Ph.D. dissertation, University of Northern Colorado, 1970.

Personke, C. R., and Davis, O. L. "Predictive Validity of English and Spanish Versions of a Readiness Test." *Elementary School Journal* 70 (1969): 79–85.

Pfeifer, C. Michael Jr., and Sedlacek, William E. "The Validity of Academic Predictors for Black and White Students at a Predominantly White University." *Journal of Educational Measurement* 8 (1971): 253–261.

Pomerantz, Norman Eliot. "An Investigation of the Relationship between Intelligence and Reading Achievement for Various Samples of Bilingual Spanish-Speaking Children." Ed.D. dissertation, New Mexico State University, 1970.

Price, J. D. "Analysis of Changes in Intelligence Test Scores of Mexican-American Youth Assigned to Special Classes in Relation to Jensen's Two-Level Theory of Mental Abilities." Ed.D. dissertation, University of Arizona, 1971.

Pruneda, Manuela C. "Acculturation, Self-Concept, and Achievement of Mexican-American Students." Ed.D. dissertation, East Texas State University, 1973.

Puthoff, Faye Tucker. "The Development of Norms for Bilingual First-Grade, Second-Grade, and Third-Grade Children's Responses to the Hand Test and Peabody Picture Vocabulary Test." Ed.D. dissertation, University of Oklahoma, 1972.

Ramirez, Manuel III. "Cognitive Styles and Cultural Democracy in Education." *Social Science Quarterly* 53 (1973): 895–904.

Ramirez, Manuel III. "The Relationship of Aculturation to Educational Achievement and Psychological Adjustment in Chicano Children and Adolescents and Review of the Literature." *El Grito* 4 (1971): 21–28.

Ramirez, Manuel III; Castañeda, Alfredo; and Herold, Leslie P. "The Relationship of Acculturation to Cognitive Style among Mexican Americans." *Journal of Cross-Cultural Psychology* 5 (1974): 424–433.

Ramirez, Manuel III, and Price-Williams, Douglass R. "Achievement Motivation in Children of Three Ethnic Groups in the United States." *Journal of Cross-Cultural Psychology* 7 (1976): 49–60.

Ramirez, Manuel III, and Price-Williams, Douglass R. "Cognitive Styles of Children of Three Ethnic Groups in the United States." *Journal of Cross-Cultural Psychology* 5 (1974): 212–219.

Reilley, Robert R., and Knight, Glenn E. "MMPI Scores of Mexican-American College Students." *Journal of College Student Personnel* 11 (1970): 419–422.

Renzulli, J. S. "Talent Potential in Minority Group Students." *Psychology and Education of the Gifted*. 2nd rev. ed. Edited by W. B. Barbe and J. S. Renzulli. New York: Irvington Publishers, Inc., 1975: 411–423.

Renzulli, J. S. "The Identification and Development of Talent Potential among the Disadvantaged." *Contemporary Education* 42 (1971): 122–125.

Richards, J. M., Jr.; Calkins, E. V.; McCanse, A.; and Burgess, M. M. "Predicting Performance in a Combined Undergraduate and Medical Education Program." *Educational and Psychological Measurement* 34 (1974): 923–931.

Rivera, E. Jr. "The Contribution of Non-Intellectual Variables to the Prediction of Academic Performance of Junior High School Pupils." Ph.D. dissertation, New York University, 1967.

Rivera, Hugo H. "Ascertaining Language and Computational Curriculum Needs for Economically Disadvantaged Mexican-American Elementary Students." Ph.D. dissertation, Arizona State University, 1971.

Rogers, Dorothy Patricia Brady. "Personality Traits and Academic Achievement among Mexican-American Students." Ph.D. dissertation, University of Texas at Austin, 1971.

Romero, Fred Emilio. "A Study of Anglo and Spanish-American Culture Value Concepts and Their Significance in Secondary Education." Ed.D. dissertation, University of Denver, 1966.

Saldate, Macario. "Factors Influencing Academic Performance of High and Low Achieving Mexican American Children." Ed.D. dissertation, University of Arizona, 1972.

Samuda, Ronald J. "Psychological Testing of American Minorities: Issues and Consequences." New York: Harper & Row, Publishers, 1975.

Sanders, Mary; Scholz, James P.; and Kagan, Spencer. "Three Social Motives and Field Independence-Dependence in Anglo American and Mexican American Children." *Journal of Cross-Cultural Psychology* 7 (1976): 451–462.

Schrader, W. B., and Pitcher, B. "Prediction of Law School Grades for Mexican American and Black American Students." *Reports of LSAC Sponsored Research*, Law School Admission Council. Report # LC-74-8. Princeton, New Jersey, Vol. 2, 1974: 715–741.

Schrader, W. B., and Pitcher, B. "The Interpretation of Law School Admission Test Scores for Culturally Deprived Candidates: an Extension of the 1966 Study Based on Five Additional Law Schools." *Reports of LSAC Sponsored Research*. Law School Admissions Council. Princeton, New Jersey, Vol. II, 1972: 227–259.

Schrader, W. B.; Pitcher, B.; and Winterbottom, J. A. "The Interpretation of Law School Admission Test Scores for Culturally Deprived and Non-White Candidates." *Reports of LSAC Sponsored Research*. LSAC-66-3. LSAC, Princeton, New Jersey, Vol. 1, 1966: 375–383.

Schroth, M. L. "The Use of I.Q. as a Measure of Learning Rate with Minority Children." *Journal of Genetic Psychology* 128 (1976): 101–108.

Scott, Norval C. Jr. "Zip Test: a Quick Locator Test for Migrant Children." *Journal of Educational Measurement* 7 (1970): 49–50.

Sedlacek, William E. "Test Bias and the Elimination of Racism." *Journal of College Student Personnel* 18 (1977): 16–20.

Selters, R. R. "An Investigation of the Relationship between Ethnic Origin and Reactions to the MMPI." Ph.D. dissertation, Baylor University, 1973.

Shasteen, Amos Eugene. "Value Orientations of Anglo and Spanish American High School Sophomores." Ed.D. dissertation, University of New Mexico, 1967.

Shutt, Darold L., and Hannon, Thomas A. "Validity of the HNTLA for Evaluation of the Abilities of Bilingual Children." *Education and Psychological Measurement* 34 (1974): 429–432.

Smart, M. E. "The Responses of Mexican-American Socio-Economic Groups to Selected Intellectual Tasks." Ed.D. dissertation, University of Arizona, 1969.

Smith, George Worth. "Correlates of Academic Achievements for Mexican-American Students." Ed.D. dissertation, Texas Tech University, 1969.

Snow, G. D. "An Analysis of Assessment Procedures and Practices in a Tri-Cultural First Grade Population." Ph.D. dissertation, University of Oregon, 1973.

Stanley, J. C. "Predicting College Success of the Educationally Disadvantaged." *Science* 171 (1971): 640–647.

Stedman, James M., and Adams, Russell L. "Achievement as a Function of Language Competence, Behavior Adjustment, and Sex in Young, Disadvantaged Mexican-American Children." *Journal of Educational Psychology* 63 (1972): 411–417.

Stokes, Vernon Dee. "Selected Value Concepts of Seventh-Grade Mexican-American Students." Ed.D. dissertation, Texas Tech. University, 1970.

Swineford, F. "Comparisons of Black Candidates and Chicano Candidates with White Candidates." *Reports of LSAC Sponsored Research*. Law School Admission Council. LSAC-72-6. LSAC, Princeton, New Jersey, Vol. II, 1972: 261–263.

Temp, George. "Validity of the SAT for Blacks and Whites in Thirteen Integrated Institutions." *Journal of Educational Measurement* 8 (1971): 245–251.

Thacker, A. J., and Williams, R. E. "The Relationship of the Graduate Record Examination to Grade Point Average and Success in Graduate School." *Educational and Psychological Measurement* 34 (1974): 939–944.

Thorndike, Robert L. "Concepts of Culture-Fairness." *Journal of Educational Measurement* 8 (1971): 63–70.

Torrance, Paul E. "Are the Torrance Tests of Creative Thinking Biased against or in Favor of 'Disadvantaged' Groups?" *The Gifted Child Quarterly* 15 (1971): 75–80.

Turner, E. V.; Helper, M. M.; and Kriska, S. D. "Predictors of Clinical Performance." *Journal of Medical Education* 49 (1974): 338–342.

Turner, Robert Gerald, and Horn, Joseph M. "Standard Psychological Test Responses of a Group of Mexican-Americans." *Catalog of Selected Documents in Psychology*, Vol. 5. New York: American Psychological Association, 1975.

Vasa, Stanley Frank. "A Comparison of Selected Intelligence Scales with Bilingual Children." Ed.D. dissertation, The University of Nebraska, 1971.

Warren, J. R. (ETS) "Prediction of College Achievement among Mexican-American Students in California." *College Entrance Examination Board Research and Development Reports*. RDR 76-77, No. 1 (Research Bulletin RB-76-22). Educational Testing Service, Berkeley, July 1976.

Webster, Maureen MacDonald. "The Quest for Better Schools: Statewide Testing Legislation and Educational Policy." *Laws, Tests, and Schooling*. Edited by Miriam Clasby; Maureen Webster; and Naomi White. Syracuse University: Policy Research Center, (Research Report #11) 1973: 61–150.

White, W. P. "Testing and Equal Opportunity." *Civil Rights Digest* 7 (1975): 42–51.

Wolfson, S. J. C. "A Comparative Study of the Prediction of Academic Achievement of Anglo-American, Mexican-American, and Negro Students in Junior High School." Ed.D. dissertation, University of Houston, 1971.

Young, Nathan. "Testing and the Economic World Beyond." *High School Journal* 53 (1970): 444–448.